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ABRIDGMENT

of May 22

OF THE

DEBATES OF CONGRESS,

FROM 1789 TO 1856.

FROM GALES AND SEATON'S ANNALS OF CONGRESS; FROM THEIR
REGISTER OF DEBATES; AND FROM THE OFFICIAL
REPORTED DEBATES, BY JOHN C. RIVES.

BY

THE AUTHOR OF THE THIRTY YEARS' VIEW.

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THIRTEENTH CONGRESS.—FIRST SESSION.

BEGUN AT THE CITY OF WASHINGTON, MAY 24, 1813.

PROCEEDINGS IN THE SENATE.*

MONDAY, May 24, 1813.

Conformably to the act passed the 27th of February last, entitled "An act to alter the time for the next meeting of Congress," the Senate assembled in their Chamber at the Capitol.

PRESENT.

NICHOLAS GILMAN, from New Hampshire.

JOSEPH B. VARNUM, from Massachusetts.

SAMUEL W. DANA, from Connecticut.

WILLIAM HUNTER and JEREMIAH B. HOWELL, from Rhode Island.

JONATHAN ROBINSON, from Vermont.

JOHN LAMBERT, from New Jersey.

MICHAEL LEIB, from Pennsylvania.

OUTERBRIDGE HORSEY, from Delaware.

JAMES TURNER, from North Carolina.

JOHN TAYLOR, from South Carolina.

JOSEPH ANDERSON, and GEORGE W. CAMPBELL, from Tennessee.

THOMAS WORTHINGTON, from Ohio.

JAMES BROWN, from Louisiana.

JESSE BLEDSOE, appointed a Senator by the Legislature of the State of Kentucky, for the term of six years, commencing on the fourth day of March last; WILLIAM B. BULLOCK, appointed a Senator by the Executive of the State of Georgia, in place of William H. Crawford, resigned; DUDLEY CHACE, appointed a Senator by the Legislature of the State of Vermont, for the term of six years, commencing on the fourth day of March last; CHARLES CUTTS, appointed a Senator by the Executive of the State of New Hampshire, to fill the vacancy in the representation in the Senate from that State, during the present recess of the Legislature of the said State; DAVID DAGGETT, appointed a Senator by the Legislature of the State of Connecticut, in

place of Chauncey Goodrich, resigned; JEREMIAH MORROW, appointed a Senator by the Legislature of the State of Ohio, for the term of six years, commencing on the fourth day of March last; DAVID STONE, appointed a Senator by the Legislature of the State of North Carolina, for the term of six years, commencing on the fourth day of March last; and CHARLES TAIT, appointed a Senator by the Legislature of the State of Georgia, for the term of six years, commencing on the fourth day of March last, respectively, produced their credentials; which were read; and the oath prescribed by law was administered to them, and they took their seats in the Senate.

The oath was also administered to JOHN GAILLARD and ABNER LACOCK, their credentials having been read and filed during the last session.

Address of the Vice President.

The VICE PRESIDENT exhibited a certificate of his having taken the oath of office prescribed by law; which was read; and he addressed the Senate as follows:

Gentlemen of the Senate:

Our fellow-citizens, in the free exercise of their constitutional authority, having been pleased to honor the person addressing you, with this distinguished station, have inferred from him an indispensable obligation to meet their just expectations. To attain this desirable object, and to preside over this honorable body in conformity to their magnanimity and dignity, which at all times have been conspicuous, will be his primary pursuit. Whilst the constitution has invested him with Legislative and Executive powers, in cases only that are casual, to the decisions of these it has attached a great responsibility; in anticipating which, and his other duties, he

*LIST OF MEMBERS OF THE SENATE.

New Hampshire.—Nicholas Gilman, Charles Cutts.
Massachusetts.—Joseph B. Varnum, Christopher Gore.
Connecticut.—Samuel W. Dana, David Daggett.
Rhode Island.—William Hunter, Jeremiah B. Howell.
Vermont.—Jonathan Robinson, Dudley Chace.
New York.—Obadiah German, Rufus King.
Pennsylvania.—Michael Leib, Abner Lacock.
New Jersey.—John Lambert, John Condict.

VOL. V.—1

Delaware.—Outerbridge Horsey, William H. Wells.
Maryland.—Samuel Smith, Robert Henry Goldsborough.
Virginia.—Richard Brent, William B. Giles.
North Carolina.—James Turner, David Stone.
South Carolina.—John Taylor, John Gaillard.
Georgia.—William B. Bullock, Charles Tait.
Kentucky.—Jesse Bledsoe, George M. Bibb.
Tennessee.—Joseph Anderson, George W. Campbell.
Ohio.—Thomas Worthington, Jeremiah Morrow.
Louisiana.—James Brown, Elegius Fromentin.

has the pleasing prospect of reposing on your liberality and candor. But if, in this high and influential branch of the Government, such unanimity should prevail, as to decide for themselves every question of policy, the example will still increase their lustre, and add to his happiness.

It is a subject of cordial congratulation, that the liberties of the people, in so great a degree, rest on that wisdom and fortitude which mark the characters of the exalted personage who fills the Supreme Executive, of the dignified members who constitute the National Legislature, and of the eminent officers who direct the Ministerial departments—public virtues, emulated by few Governments, need no encomiums. Fidelity and integrity, unsubdued by the severest ordeals, and pressing to public calamities a favorable issue, will be ever held in high estimation; whilst a Government, scrupulously faithful to its trust, and measures which merit the highest applause, have a just claim to the public support.

The present epoch is momentous, and leads to observations which would not occur on ordinary occasions.

Our country is again involved in a sanguinary conflict, the issue of which, in the estimation of the enemy, is to determine whether the republican system, adopted by the people, is imbecile and transient, or whether it has force and duration worthy of the enterprise. That it can never fail whilst they are true to their interest, is beyond doubt. And is it not equally so, that they will never desert the Government of their choice, or attach themselves to a foreign domination, from which, under the benign smiles of Divine Providence, they have lately, by their own valor, emancipated themselves? Can they need arguments to convince them, that, in proportion to the purity of Republican Governments, have ever been the reproaches and efforts for overthrowing them, by imperious Sovereigns who once ruled them?

"To divide and to conquer" have long been the objects of the enemy. He has presumed on his own arts, and on impotency in our system of Government; but, in both instances, he will be convinced of his error. The people and constituted authorities of the several States, those great pillars of our confederate system, numerous as they are, and inevitably discordant in some of their interests, have evinced, in various ways, a firm determination to support it. The interior frontier States, where the territorial war commenced and continues, assailed by innumerable difficulties, have surmounted them; and, by their unanimity and Spartan valor, are establishing for themselves immortal honor. Through the extensive wilds of our military operations, some of these, as in all wars, have been successful, and others unfortunate. But to whatever causes the latter may be traced, they never can be imputed to those heroic officers or privates of the army or of the militia, who have bravely combated the enemy; and of whom, some have been crowned with laurels, others have submitted to irresistible misfortunes, and many have nobly fallen, enshrined with glory. The Atlantic States have repelled, with magnanimity, maritime invasions; and have also given proofs of their patriotic ardor, by conquests on the ocean. Their enterprises and victories have been sources of national triumph and renown. Are not our officers and mariners, in naval combats, unrivalled by fame? Have they not presented infallible sureties for signaling themselves on great occasions? How vain then is

the hope of divisions or conquest? Does the enemy expect, by burning defenceless towns and villages, to promote his views? Such conduct may entail on the nation which sanctions it eternal infamy, but can never subdue the elevated souls of our brave fellow-citizens, or even depress the sublime minds of our innocent fair, the ornaments of our country, who, amidst the unmerited distresses inflicted on them and their tender offspring by a merciless foe, will soar above sympathy, and claim the just tribute of universal admiration and applause.

Whilst the Executive in the full exercise of its authority, is left to test the sincerity of pacific overtures, it is a happy circumstance that the United States, at all times desirous of an honorable peace, and superintended by an officer whose capacious mind embraces, and whose patriotic fortitude will pursue, every interest of his country, thus meet with ardor an indispensable war. Is not their power a pledge that they can, and their sacred honor that they will, with intrepidity, maintain the conflict? They demand justice; and can they relinquish it without a surrender of their sovereignty?

Great Britain is in collision with her best customers, and once her commercial friends, who had viewed peace as a mutual blessing; and who, by their moderation, had preserved it, until necessity has pointed to a different line of conduct. They had annually sent to her their productions and specie to a vast amount; had thus employed her mechanics, purchased her manufactures, extended her commerce, and become a great source of her national wealth. Hence, her zealous and persevering opposition to their commercial restraints, representing, in high strains, their great injury to this country; but preserving silence on a most important point, their destructive effects on her own manufactures and commerce.

The United States are now her enemy; and is it not easy to foresee, that, if the war should continue, the Canadas will be rendered independent of her; and, as friends or allies to the United States, will no longer be instrumental in exciting an unrelenting and savage warfare against our extensive and defenceless borders? To such inhuman acts, in former times, were the Canadians urged by France in her Albion wars; and by our colonial aid Great Britain obtained jurisdiction over them. *She* in turn has abused this power, and has justified the United States in their efforts to divest her of it. And is not their energy adequate to the object? Will not this be evident by a view of their effective National and State Governments? of the unconquered minds and formidable numbers of their citizens? of their martial spirit? of their innate attachment to their rights and liberties? and of their inflexible determination to preserve them? But, if any one still doubts, will he not recollect, that, at the commencement of our Revolutionary war, which terminated against her, the united colonies had not a third of their present population; nor arms or military stores for a single campaign; nor an efficient arrangement for warfare; nor specie in their treasuries; nor funds for emitting a paper currency; nor a national Government; nor (excepting two instances) State Governments; nor the knowledge either of military or of naval tactics? Will he not also remember that Great Britain was then in the zenith of her power; that neighboring nations trembled at her nod; that the colonies were under her control; that her crown officers opposed

MAY, 1813.]

President's Message.

[SENATE.]

every means for resisting her; excited amongst the colonial Governments (over which they presided) unfounded jealousies of each other, and embarrassed every measure for their union; that she was loaded with less than a fifth of her present national debt; that she was then at peace with all the world; and that she is now at war with a greater part of Europe, as well as with the United States? If Great Britain herself reflects on these things, will she not relinquish her vain attempts to awe the citizens of the United States, by exaggerated statements of her military and naval power, or by delusive views of their unprepared state for a war, of the great expense of it, and of the difficulties they are to encounter in defence of *all* that is valuable to man? If, in lieu of fruitless artifices, she will make rational and equitable arrangements, which the Government of the United States have been always ready to meet, can there be a doubt that the two nations will be speedily restored to their wonted friendship and commerce?

Your fellow-citizen, with sensations which can more easily be conceived than expressed, perceives that there are in the Government many of his former friends and compatriots, with whom he has often co-operated in the perilous concerns of his country; and, with unfeigned pleasure, he will meet the other public functionaries, whose acknowledged abilities and public services in like manner claim his high consideration and respect. With a sacred regard to the rights of every Department and officer of Government, and with a respectful deference to their political principles and opinions, he has frankly declared his own; for, to have concealed them at a crisis like this, might have savored too much of a deficiency of candor.

And may that Omnipotent Being, who, with infinite wisdom and justice, superintends the destinies of nations, confirm the heroic patriotism which has glowed in the breasts of the national rulers, and convince the enemy that, whilst a disposition to peace, on equitable and honorable terms, will ever prevail in their public councils, one spirit, animated by the love of country, will inspire every Department of the National Government.

E. GERRY.

WASHINGTON, May 24, 1813.

On motion by Mr. ANDERSON, the Secretary was directed to notify the House of Representatives that a quorum of the Senate is assembled and ready to proceed to business.

A committee was appointed on the part of the Senate, jointly with such committee as may be appointed on the part of the House of Representatives, to wait on the President of the United States, and notify him that a quorum of the two Houses is assembled and ready to receive any communications he may be pleased to make to them.

Ordered, That the Secretary notify the House of Representatives accordingly.

The PRESIDENT communicated a letter from JAMES LLOYD, notifying the resignation of his seat in the Senate.

On motion of Mr. LEIB,

Resolved, That Mountjoy Bayly, Doorkeeper and Sergeant-at-Arms to the Senate, be, and he is hereby, authorized to employ one assistant and two horses, for the purpose of performing such services as are usually required by the

Doorkeeper of the Senate; which expense shall be paid out of the contingent fund.

Mr. ANDERSON submitted the following motion:

Resolved, That two Chaplains, of different denominations, be appointed to Congress during the present session, one by each House, who shall interchange weekly.

A message from the House of Representatives informed the Senate that a quorum of the House of Representatives is assembled, and have elected HENRY CLAY, Esquire, one of the Representatives for the State of Kentucky, their Speaker, and are ready to proceed to business. They concur in the resolution of the Senate for the appointment of a joint committee to wait on the President of the United States and notify him that a quorum of the two Houses is assembled and ready to receive any communications that he may be pleased to make to them; and have appointed a committee on their part.

TUESDAY, May 25.

Mr. ANDERSON reported, from the joint committee, that they had waited on the President of the United States, and that the President informed the committee that he would make a communication to the two Houses this day at twelve o'clock.

President's Message.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Fellow-citizens of the Senate**and of the House of Representatives:*

At an early day after the close of the last session of Congress, an offer was formally communicated from His Imperial Majesty the Emperor of Russia, of his mediation, as the common friend of the United States and Great Britain, for the purpose of facilitating a peace between them. The high character of the Emperor Alexander being a satisfactory pledge for the sincerity and impartiality of his offer, it was immediately accepted; and, as further proof of the disposition on the part of the United States to meet their adversary in honorable experiments for terminating the war, it was determined to avoid intermediate delays, incident to the distance of the parties, by a definitive provision for the contemplated negotiation. Three of our eminent citizens were accordingly commissioned, with the requisite powers to conclude a Treaty of Peace with persons clothed with like powers on the part of Great Britain. They are authorized also to enter into such conventional regulations of the commerce between the two countries, as may be mutually advantageous. The two Envoys who were in the United States at the time of their appointment, have proceeded to join their colleagues already at St. Petersburg.

The Envoys have received another commission, authorizing them to conclude with Russia a Treaty of Commerce, with a view to strengthen the amicable relations and improve the beneficial intercourse between the two countries.

The issue of this friendly interposition of the Russian Emperor, and this pacific manifestation on the part of the United States, time only can decide. That the sentiments of Great Britain towards that Sover-

sign will have produced an acceptance of his offered mediation must be presumed. That no adequate motives exist to prefer a continuance of war with the United States, to the terms on which they are willing to close it, is certain. The British Cabinet also must be sensible that, with respect to the important question of impressment, on which the war so essentially turns, a search for, or seizure of, British persons or property on board neutral vessels on the high seas is not a belligerent right derived from the law of nations; and it is obvious that no visit or search, or use of force for any purpose, on board the vessels of one independent power, on the high seas, can, in war or peace, be sanctioned by the laws or authority of another power. It is equally obvious, that, for the purpose of preserving to each State its seafaring members, by excluding them from the vessels of the other, the mode heretofore proposed by the United States, and now enacted by them as an article of municipal policy, cannot for a moment be compared with the mode practised by Great Britain with a conviction of its title to preference; inasmuch as the latter leaves the discrimination between the mariners of the two nations to officers exposed by unavoidable bias, as well as by a defect of evidence, to a wrong decision; under circumstances precluding, for the most part, the enforcement of controlling penalties, and where a wrong decision, besides the irreparable violation of the sacred rights of persons, might frustrate the plans and profits of entire voyages: whereas, the mode assumed by the United States, guards, with studied fairness and efficacy, against errors in such cases, and avoids the effect of casual errors on the safety of navigation, and the success of mercantile expeditions.

If the reasonableness of expectations, drawn from these considerations, could guaranty their fulfilment, a just peace would not be distant. But, it becomes the wisdom of the National Legislature to keep in mind the true policy, or rather the indispensable obligation, of adapting its measures to the supposition, that the only course to that happy event, is in the vigorous employment of the resources of war. And, painful as the reflection is, this duty is particularly enforced by the spirit and manner in which the war continues to be waged by the enemy, who, uninfluenced by the unvaried examples of humanity set them, are adding to the savage fury of it, on one frontier, a system of plunder, and conflagration on the other, equally forbidden by respect for national character, and by the established rules of civilized warfare.

As an encouragement to persevering and invigorated exertions to bring the contest to a happy result, I have the satisfaction of being able to appeal to the auspicious progress of our arms, both by land and on the water.

In continuation of the brilliant achievements of our infant Navy, a signal triumph has been gained by Captain Lawrence and his companions in the *Hornet* sloop of war, which destroyed a British sloop of war, with a celerity so unexampled, and with a slaughter of the enemy so disproportionate to the loss in the *Hornet*, as to claim for the conquerors the highest praise, and the full recompense provided by Congress in preceding cases. Our public ships of war in general, as well as the private armed vessels, have continued also their activity and success against the commerce of the enemy, and, by their vigilance and address, have greatly frustrated the efforts of the hostile squadrons distributed along our coasts, to

intercept them in returning into port, and resuming their cruises.

The augmentation of our Naval force, as authorized at the last session of Congress, is in progress. On the Lakes our superiority is near at hand, where it is not already established.

The events of the campaign, so far as they are known to us, furnish matter of congratulation, and show that, under a wise organization and efficient direction, the Army is destined to a glory not less brilliant than that which already encircles the Navy. The attack and capture of York is, in that quarter, a presage of future and greater victories; while, on the western frontier, the issue of the late siege of Fort Meigs leaves us nothing to regret but a single act of inconsiderate valor.

The provisions last made for filling the ranks, and enlarging the staff of the Army, have had the best effects. It will be for the consideration of Congress, whether other provisions, depending on their authority, may not still further improve the Military Establishment and the means of defence.

The sudden death of the distinguished citizen who represented the United States in France,* without any special arrangements by him for such a contingency, has left us without the expected sequel to his last communications: nor has the French Government taken any measures for bringing the depending negotiations to a conclusion, through its representative in the United States. This failure adds to delays before so unreasonably spun out. A successor to our deceased Minister has been appointed, and is ready to proceed on his mission: the course which he will pursue in fulfilling it, is that prescribed by a steady regard to the true interests of the United States, which equally avoids an abandonment of their just demands, and a connection of their fortunes with the systems of other powers.

The receipts in the Treasury, from the 1st of October to the 31st day of March last, including the sums received on account of Treasury notes, and of the loans authorized by the acts of the last and preceding sessions of Congress, have amounted to fifteen millions four hundred and twelve thousand dollars. The expenditures during the same period amounted to fifteen millions nine hundred and twenty thousand dollars, and left in the Treasury, on the 1st of April, the sum of one million eight hundred and fifty-seven thousand dollars. The loan of sixteen millions of dollars, authorized by the act of the 8th of February last, has been contracted for. Of that sum more than a million of dollars had been paid into the Treasury, prior to the 1st of April, and formed a part of the receipts as above stated. The remainder of that loan, amounting to near fifteen millions of dollars, with the sum of five millions of dollars authorized to be issued in Treasury notes, and the estimated receipts from the customs and the sales of public lands, amounting to nine millions three hundred thousand dollars, and making in the whole twenty-nine millions three hundred thousand dollars to be received during the last nine months of the present year, will be necessary to meet the expenditures already authorized, and the engagements contracted in relation to the public debt. These engagements amount during that period to ten millions five hundred thousand dollars, which, with near one million for the civil, miscellaneous, and diplomatic expenses, both foreign

* Joel Barlow, Esq.

JUNE, 1818.]

Proceedings.

[SENATE.]

and domestic, and seventeen millions eight hundred thousand dollars for the military and naval expenditures, including the ships of war building and to be built, will leave a sum in the Treasury at the end of the present year equal to that on the first of April last. A part of this sum may be considered as a resource for defraying any extraordinary expenses already authorized by law, beyond the sums above estimated; and a further resource for any emergency may be found in the sum of one million of dollars, the loan of which to the United States has been authorized by the State of Pennsylvania, but which has not yet been brought into effect.

This view of our finances, whilst it shows that due provision has been made for the expenses of the current year, shows, at the same time, by the limited amount of the actual revenue, and the dependence on loans, the necessity of providing more adequately for the future supplies of the Treasury. This can be best done by a well-digested system of internal revenue, in aid of existing sources; which will have the effect, both of abridging the amount of necessary loans, and on that account, as well as by placing the public credit on a more satisfactory basis, of improving the terms on which loans may be obtained. The loan of sixteen millions was not contracted for at a less interest than about seven and a half per cent, and, although other causes may have had an agency, it cannot be doubted that, with the advantage of a more extended and less precarious revenue, a lower rate of interest might have sufficed. A longer postponement of this advantage could not fail to have a still greater influence on future loans.

In recommending to the National Legislature this resort to additional taxes, I feel great satisfaction in the assurance, that our constituents, who have already displayed so much zeal and firmness in the cause of their country, will cheerfully give any other proof of their patriotism which it calls for. Happily, no people, with local and transitory exceptions, never to be wholly avoided, are more able than the people of the United States to spare for the public wants a portion of their private means, whether regard be had to the ordinary profits of industry, or the ordinary price of subsistence in our country, compared with those in any other. And in no case could stronger reasons be felt for yielding the requisite contributions. By rendering the public resources certain, and commensurate to the public exigencies, the constituted authorities will be able to prosecute the war the more rapidly to its proper issue; every hostile hope, founded on a calculated failure of our resources, will be cut off; and by adding to the evidence of bravery and skill, in combats on the ocean and the land, an alacrity in supplying the treasure necessary to give them their fullest effect, and demonstrating to the world the public energy which our political institutions combine, with the personal liberty distinguishing them, the best security will be provided against future enterprises on the rights or the peace of the nation.

The contest in which the United States are engaged, appeals for its support to every motive that can animate an uncorrupted and enlightened people; to the love of country; to the pride of liberty; to an emulation of the glorious founders of their independence, by a successful vindication of its violated attributes; to the gratitude and sympathy which demand security from the most degrading wrongs of a class of citizens, who have proved themselves so

worthy the protection of their country, by their heroic zeal in its defence; and, finally, to the sacred obligation of transmitting entire, to future generations, that precious patrimony of national rights and independence which is held in trust by the present, from the goodness of Divine Providence.

Being aware of the inconveniences to which a protracted session, at this season, would be liable, I limit the present communication to objects of primary importance. In special messages which may ensue, regard will be had to the same consideration.

JAMES MADISON.

WASHINGTON, May 25, 1818.

The Message was read, and five hundred copies ordered to be printed for the use of the Senate.

THURSDAY, May 27.

OBADIAH GERMAN, from the State of New York, and SAMUEL SMITH, from the State of Maryland, severally took their seats in the Senate.

ROBERT HENRY GOLDSBOROUGH, appointed a Senator by the Legislature of the State of Maryland, for the term of six years, commencing on the fourth day of March last, produced his credentials, was qualified, and took his seat in the Senate.

A Message from the House of Representatives informed the Senate that the House concur in the resolution of the Senate, of the 25th instant, for the appointment of Chaplains, and have appointed the Reverend JESSE LEE Chaplain on their part.

Whereupon, the Senate proceeded to the appointment of a Chaplain on their part; and, on the ballots being counted, it appeared that the Reverend JOHN BRECKENRIDGE had a majority, and was elected.

FRIDAY, May 28.

RICHARD BRENT, from the State of Virginia, and JOHN CONDIOT, from the State of New Jersey, severally took their seats in the Senate.

CHRISTOPHER GORE, appointed a Senator by the Executive of the Commonwealth of Massachusetts, in place of James Lloyd, resigned; and RUFUS KING, appointed a Senator by the Legislature of the State of New York, for the term of six years, commencing with the fourth day of March last, severally produced their credentials, were qualified, and they took their seats in the Senate.

FRIDAY, June 4.

The credentials of CHRISTOPHER GORE, appointed a Senator by the Legislature of the Commonwealth of Massachusetts, in place of James Lloyd, resigned, were read.

MONDAY, June 7.

WILLIAM B. GILES, from the State of Virginia, who arrived the 5th instant, took his seat in the Senate.

The PRESIDENT communicated the credentials

of WILLIAM H. WELLS, appointed a Senator by the Legislature of the State of Delaware, in place of James A. Bayard, resigned; which were read.

THURSDAY, June 10.

WILLIAM H. WELLS, from the State of Delaware, attended, was qualified, and took his seat.

TUESDAY, June 15.

The PRESIDENT communicated a letter from the Governor of the State of New Hampshire, stating that the Legislature of that State had elected JEREMIAH MASON a Senator, for the term of six years, commencing with the fourth day of March last; and the letter was read.

MONDAY, June 21.

JEREMIAH MASON, appointed a Senator by the Legislature of the State of New Hampshire, for the term of six years, commencing with the fourth day of March last, produced his credentials, was qualified, and took his seat in the Senate.

FRIDAY, June 25.

Encouragement of Privateering.

The Senate resumed the consideration of the report of the select committee on the petition of Joshua Barney, and others, which is as follows:

"That the object of the petition is to obtain, in favor of himself and others, the relinquishment of the claims of the United States to certain descriptions of enemy's property, captured and brought into the ports of the United States by certain private armed vessels. That the claims of the United States and the petitioner depend upon the provisions of existing laws, and present fair questions for judicial cognizance; these questions are in fact now depending before the proper judicial tribunals, with whose proceedings and decisions the committee deems it inexpedient at this time to interfere, and therefore recommends that the further consideration of the petition be postponed till the first Monday in December next."

And, on the question to agree thereto, it was determined in the negative—yeas 14, nays 17, as follows:

YEAS.—Messrs. Bullock, Campbell, Daggett, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, and Wells.

NAYS.—Messrs. Anderson, Bledsoe, Brown, Chace, Condict, Fromentin, Gaillard, Giles, Howell, Lacock, Morrow, Robinson, Stone, Tait, Taylor, Turner, and Varnum.

On motion, by Mr. TAYLOR, the petition was committed to a select committee, further to consider and report thereon by bill or otherwise; and Messrs. GILES, TAYLOR, and ANDERSON, were appointed the committee.

MONDAY, June 28.

GEORGE M. BIRB, from the State of Kentucky, attended.

Massachusetts Memorial against the War.

Mr. GORE presented the remonstrance of the Legislature of the Commonwealth of Massachusetts, declaring their opinion on the alleged causes of the existing war, and the pretences for its continuance; that it was improper, impolitic, and unjust; and stating the grounds on which they rest that opinion.

Further declaring their opinion on the admission of new States formed from lands beyond the territorial limits of the United States, and that many of the measures of the Government have been contrary to the expectations they formed in acceding to the constitution; that these measures have nearly annihilated their commerce, and have imposed on them unequal burdens, while they have deprived Massachusetts of her proportional weight in the Union; and praying that our invading armies may be forthwith recalled within our own territories, and that every effort may be speedily directed to the attainment of peace; and the remonstrance was read.

TUESDAY, June 29.

Mr. SMITH, from the committee to whom was referred the bill, entitled "An act to reward the officers and crew of the sloop of war Hornet," reported it with amendments; which, on motion, were considered as in Committee of the Whole, and agreed to; and the President reported the bill to the House accordingly, and it was ordered to be read a third time as amended.

THURSDAY, July 1.

The Senate resumed, as in Committee of the Whole, the bill to relinquish the claims of the United States to certain goods, wares, and merchandise, captured by private armed vessels; and, the bill having been amended, the President reported it to the Senate accordingly.

On the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative—yeas 17, nays 15, as follows:

YEAS.—Messrs. Anderson, Bibb, Bledsoe, Chace, Condict, Fromentin, Gaillard, Giles, Howell, Lacock, Morrow, Robinson, Stone, Tait, Taylor, Turner, and Varnum.

NAYS.—Messrs. Bullock, Daggett, Dana, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Wells, and Worthington.

SATURDAY, July 17.

Additional Duties.

The amendments to the bill, entitled "An act laying duties on carriages for the conveyance of persons," having been reported by the committee correctly engrossed, the bill was read a third time as amended.

On motion by Mr. HORSEY,

"That this bill be recommitted, and that the com-

August, 1813.]

Proceedings.

[SENATE.]

mittee be instructed to reduce the taxes on the fifth and sixth grades of carriages in as great a proportion as they have been reduced on the first, second, third, and fourth grades; or in case they deem it inexpedient to reduce the taxes on the fifth and sixth grades, that they report the same with the same rates of taxes it contained when sent from the House of Representatives:—

It was determined in the negative—yeas 11, nays 19, as follows:

YEAS.—Messrs. Condict, Daggett, Dana, German, Goldsborough, Horsey, Hunter, Lacock, Lambert, Leib, and Mason.

NAYS.—Messrs. Bibb, Bledsoe, Brent, Brown, Bullock, Campbell, Chace, Fromentin, Giles, Gilman, Gore, Howell, King, Morrow, Robinson, Tait, Taylor, Turner, and Worthington.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 20, nays 10, as follows:

YEAS.—Messrs. Bibb, Bledsoe, Brent, Brown, Bullock, Chace, Condict, Fromentin, Gaillard, German, Giles, Howell, Lacock, Leib, Morrow, Robinson, Tait, Taylor, Turner, and Worthington.

NAYS.—Messrs. Daggett, Dana, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, and Mason.

Resolved, That this bill pass with amendments.

The amendments to the bill, entitled “An act laying duties on licenses to distillers of spirituous liquors,” having been reported by the committee correctly engrossed, the bill was read a third time as amended.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 22, nays 9, as follows:

YEAS.—Messrs. Bibb, Bledsoe, Brent, Brown, Bullock, Campbell, Chace, Condict, Fromentin, Gaillard, German, Giles, Gilman, Howell, Lacock, Mason, Morrow, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS.—Messrs. Daggett, Dana, Goldsborough, Gore, Horsey, Hunter, King, Lambert, and Stone.

Resolved, That this bill pass with amendments.

The amendments to the bill, entitled “An act laying duties on sugar refined within the United States,” having been reported by the committee correctly engrossed, the bill was read a third time as amended.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 20, nays 10, as follows:

YEAS.—Messrs. Bibb, Bledsoe, Brent, Brown, Bullock, Campbell, Chace, Condict, Fromentin, Gaillard, Giles, Howell, Lacock, Leib, Morrow, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS.—Messrs. Daggett, Dana, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, and Stone.

Resolved, That this bill pass with amendments.

The amendments to the bill, entitled “An act

laying duties on sales at auction of merchandise, and of ships and vessels,” having been reported by the committee correctly engrossed, the bill was read a third time as amended.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 21, nays 11, as follows:

YEAS.—Messrs. Bibb, Bledsoe, Brent, Brown, Bullock, Campbell, Chace, Condict, Fromentin, Gaillard, German, Giles, Howell, Lacock, Leib, Morrow, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS.—Messrs. Daggett, Dana, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, and Stone.

Resolved, That this bill pass with amendments.

FRIDAY, July 30.

A message from the House of Representatives informed the Senate that they insist on their disagreement to the amendments of the Senate to the bill, entitled “An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions;” they agree to the conference proposed on the subject, and have appointed managers on their part.

SUNDAY, August 1.

The bill, entitled “An act allowing a bounty to the owners, officers, and crews, of the private armed vessels of the United States,” was resumed as in Committee of the Whole.

On the question, Shall this bill pass to a third reading? it was determined in the affirmative—yeas 16, nays 6, as follows:

YEAS.—Messrs. Anderson, Bledsoe, Brown, Bullock, Condict, Gaillard, Giles, Howell, Lacock, Morrow, Robinson, Stone, Tait, Taylor, Turner, and Varnum.

NAYS.—Messrs. Gilman, Goldsborough, Gore, King, Lambert, and Wells.

By unanimous consent, the bill was read a third time, and passed.

MONDAY, August 2.

Resolved, That Messrs. VARNUM and GAILLARD be a committee on the part of the Senate, jointly with such committee as may be appointed by the House of Representatives, to wait on the President of the United States, and notify him that, unless he may have any further communications to make to the two Houses of Congress, they are ready to adjourn.

A message from the House of Representatives informed the Senate that the House of Representatives have appointed a committee on their part, to wait on the President of the United States, and notify him of the intended recess of Congress.

Mr. VARNUM, from the committee, reported

that they had waited on the President of the United States, who informed them that he had no further communications to make to the two Houses of Congress.

Whereupon, the VICE PRESIDENT, agreeably to the resolution of the two Houses, adjourned the Senate to the first Monday in December next.

CONFIDENTIAL EXECUTIVE PROCEEDINGS.

IN SENATE OF THE UNITED STATES.

MONDAY May 31.

Nomination of Ministers to treat for Peace with Great Britain under the mediation of Russia.

The following is an extract of a Message this day received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

Commissions having been granted during the recess of the Senate, to the following persons, I now nominate them to the same offices respectively annexed to their names: Albert Gallatin, John Q. Adams, and James A. Bayard, to be jointly and severally Envoys Extraordinary and Ministers Plenipotentiary, to negotiate and sign a Treaty of Peace with Great Britain, under the mediation of the Emperor of Russia; to negotiate and sign a Treaty of Commerce with Great Britain; and the said John Quincy Adams, Albert Gallatin, and James A. Bayard, to be jointly and severally Envoys Extraordinary and Ministers Plenipotentiary, to negotiate and sign a Treaty of Commerce with Russia.

JAMES MADISON.

WASHINGTON, May 29, 1813.

The Message was read, and ordered to lie for consideration.

NOTE.—A few other nominations of minor importance were contained in the Message.

WEDNESDAY, June 2.

The Senate resumed the consideration of the Message of the President of the United States of the 3d of May, nominating Albert Gallatin and others to offices; and

Mr. King submitted the following resolutions for consideration, which were read:

Resolved, That the President of the United States be requested to cause to be laid before the Senate copies of the communications from the Emperor of Russia, offering his mediation to bring about a peace between the United States and Great Britain, together with copies of the answers to such communications, and noticing the dates at which the same were respectively received and answered.

Resolved, That the President of the United States be requested to cause to be laid before the Senate, copies of the commissions granted to Albert Gallatin, John Q. Adams, and James A. Bayard, to negotiate Treaties of Peace and Commerce with Great Britain, and a Treaty of Commerce with Russia.

Resolved, That the President of the United States be requested to inform the Senate whether Albert Gallatin, commissioned as one of the Envoys to treat

of peace and commerce with Great Britain, and of commerce with Russia, retains the office of Secretary of the Department of the Treasury; and, in case of his so retaining the same, to inform the Senate under what authority, and by whom, the powers and duties of the head of the Treasury Department are discharged during the absence of Albert Gallatin from the United States.

THURSDAY, June 3.

The Senate proceeded to consider the first resolution submitted yesterday, by Mr. King; and, on the question, "Will the Senate agree thereto?" it was determined in the negative—yeas 18, nays 18, as follows:

YEAS.—Messrs. Anderson, Daggett, Dana, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, and Smith.

NAYS.—Messrs. Bledsoe, Brent, Brown, Bullock, Campbell, Chase, Condict, Cutts, Gaillard, Lacock, Morrow, Robinson, Stone, Tait, Taylor, Turner, Varnum, and Worthington.

The Senate proceeded to consider the second resolution, submitted yesterday by Mr. KING; and, on the question to agree thereto, it was determined in the negative.

The Senate proceeded to the consideration of the third resolution, submitted yesterday by Mr. KING; and, on the question, "Will the Senate agree thereto?" it was determined in the affirmative.

Ordered, That the Secretary lay the said resolution before the President of the United States.

MONDAY, June 7.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In compliance with their resolution, of the 3d instant, the Senate are informed that the office of the Secretary of the Treasury is not vacated, and that, in the absence of Albert Gallatin, commissioned as one of the Envoys to treat with Great Britain and Russia, the duties of that office are discharged by William Jones, Secretary of the Navy, authorized therefor according to the provisions of the act of Congress, entitled "An act making alterations in the Treasury and War Departments," passed May 8, 1792.

JAMES MADISON.

WASHINGTON, June 3, 1813.

Confidential Executive Proceedings.

WEDNESDAY, June 9.

The Senate resumed the consideration of the nomination of Albert Gallatin.

A motion was made by Mr. ANDERSON to refer the said nomination to the consideration of a select committee, together with the Message of the 7th of June; and the Senate adjourned.

THURSDAY, June 10.

The Senate resumed the consideration of the nomination of Albert Gallatin, together with the motion to refer the consideration thereof to a select committee, as also the Message of the President of the United States, received the 7th June, to inquire and report thereon.

On the question to agree to the motion for reference, it was determined in the affirmative—yeas 20, nays 14, as follows:

YEAS.—Messrs. Anderson, Bledsoe, Brown, Daggett, Dana, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Smith, Stone, and Wells.

NAYS.—Messrs. Brent, Bullock, Campbell, Chace, Condict, Cutts, Lacock, Morrow, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

Resolved, That the nomination of Albert Gallatin, together with the Message of the President of the United States received the 7th instant, relative to the said nomination, be referred to Messrs. ANDERSON, KING, GILES, BROWN, and BLEDSOE, to inquire and report thereon.

MONDAY, June 14.

Mr. ANDERSON, from the committee appointed on the 10th instant, on the nomination of Albert Gallatin, reported:

"That, in obedience to the resolution authorizing the committee to inquire and report thereon, he had addressed a letter to the President of the United States, enclosing a copy of the resolution under which the committee were appointed; that he afterwards called on the President of the United States, who informed him that he did not consider the authority given to the committee, by the resolution, such as to authorize them to call on him in their official character; but that, if they were especially instructed to call on him he would freely receive them and appoint a time for that purpose."

And Mr. ANDERSON submitted the following resolutions for consideration, which were read:

Resolved, That, in the opinion of the Senate, the powers and duties of the Secretary of the Department of the Treasury, and of those of an Envoy Extraordinary to a foreign power, are so incompatible, that they ought not to be, and remain, united in the same person.

Resolved, That the committee to whom was referred the nomination of Albert Gallatin, (Secretary of the Department of Treasury,) as an Envoy Extraordinary to treat of peace and commerce with Great Britain, and of commerce with Russia, be instructed to communicate the foregoing resolution to the President of the United States, and respectfully to confer with him upon the matter thereof.

WEDNESDAY, June 16.

The Senate resumed the consideration of the resolutions submitted by Mr. ANDERSON, on the 14th instant; and, on the question to agree to the first resolution, it was determined in the affirmative—yeas 20, nays 14, as follows:

YEAS.—Messrs. Anderson, Bledsoe, Brown, Daggett, Dana, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Smith, Stone, and Wells.

NAYS.—Messrs. Brent, Bullock, Campbell, Chace, Condict, Howell, Lacock, Morrow, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

Resolved, That, in the opinion of the Senate, the powers and the duties of the Secretary of the Department of the Treasury, and those of an Envoy Extraordinary to a foreign power, are so incompatible, that they ought not to be and remain united in the same person.

On the question to agree to the second resolution, it was determined in the affirmative—yeas 20, nays 14, as follows:

YEAS.—Messrs. Anderson, Bledsoe, Brown, Daggett, Dana, Fromentin, Gaillard, German, Giles, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Smith, Stone, and Wells.

NAYS.—Messrs. Brent, Bullock, Campbell, Chace, Condict, Howell, Lacock, Morrow, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

Resolved, That the committee to whom was referred the nomination of Albert Gallatin, Secretary of the Department of the Treasury, as an Envoy Extraordinary to treat of peace and commerce with Great Britain, and of commerce with Russia, be instructed to communicate the foregoing resolution to the President of the United States, and respectfully to confer with him upon the matter thereof.

MONDAY, July 19.

Whereupon, the nominations of Albert Gallatin John Q. Adams, and James A. Bayard, agreeably to the Message of the President of the United States of the 31st of May last, were resumed.

On the question, "Will the Senate advise and consent to the appointment of Albert Gallatin?" it was determined in the negative—yeas 17, nays 18, as follows:

YEAS.—Messrs. Bibb, Bledsoe, Brent, Brown, Bullock, Campbell, Chace, Condict, Howell, Lacock, Morrow, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS.—Messrs. Anderson, Daggett, Dana, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Smith, and Stone.

On motion by Mr. WORTHINGTON, to postpone the nominations of John Q. Adams and James A. Bayard until to-morrow, it was determined in the negative.

On motion by Mr. BULLOCK, that the nominations of John Q. Adams and James A. Bayard be postponed until to-morrow, it was

determined in the negative—yeas 16, nays 19, as follows:

YEAS.—Messrs. Bibb, Brent, Bullock, Campbell, Chace, Condict, Gaillard, Howell, Lacock, Morrow, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS.—Messrs. Anderson, Bledsoe, Brown, Daggett, Dana, Fromentin, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Leib, Mason, Smith, and Stone.

On the question, "Will the Senate advise and consent to the appointment of John Q. Adams?" it was decided in the affirmative—yeas 29, nays 4, as follows:

YEAS.—Messrs. Anderson, Bledsoe, Brent, Brown, Bullock, Chace, Condict, Daggett, Fromentin, Gaillard, Giles, Gilman, Goldsborough, Gore, Horsey, Howell, Hunter, King, Lambert, Leib, Mason, Smith, Morrow, Robinson, Smith, Stone, Tait, Taylor, Turner, and Worthington.

NAYS.—Messrs. Dana, German, Lacock, and Varnum.

On the question, "Will the Senate advise and consent to the appointment of James A. Bayard?" it was determined in the affirmative—yeas 27, nays 6, as follows:

YEAS.—Messrs. Anderson, Bibb, Bledsoe, Brent, Brown, Bullock, Chace, Daggett, Fromentin, Gaillard, Giles, Gilman, Goldsborough, Gore, Horsey, Howell, Hunter, King, Lambert, Leib, Mason, Smith, Stone, Tait, Taylor, Turner, and Worthington.

NAYS.—Messrs. Dana, German, Lacock, Morrow, Robinson, and Varnum.

Resolved, That the Senate do advise and consent to the appointments of John Q. Adams and James A. Bayard, agreeably to their nominations, respectively; and that they do not advise and consent to the appointment of Albert Gallatin.

Ordered, That the Secretary lay the foregoing resolution before the President of the United States.

SATURDAY, July 31.

On motion, by Mr. DANA, that on application of any member of the Senate, an extract be furnished from the Executive record comprehending the Messages of the President of the United States, in relation to the nomination of Jonathan Russell, to be Minister Plenipotentiary of the United States to Sweden, and the proceedings of the Senate thereon, it was determined in the affirmative—yeas 18, nays 11, as follows:

YEAS.—Messrs. Anderson, Dana, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Hunter, King, Lambert, Leib, Turner, and Wells.

NAYS.—Messrs. Brent, Bullock, Campbell, Howell, Lacock, Morrow, Stone, Tait, Taylor, Varnum, and Worthington.

MONDAY, August 2.

On motion, by Mr. LEIB,

Ordered, That the Secretary cause to be printed, for the use of the Senate, an extract

from the Executive Journal, comprehending the several Messages from the President of the United States, with the documents and the proceedings of the Senate on the nomination of Jonathan Russell to be Minister Plenipotentiary of the United States to Sweden.

MONDAY, May 31.

The following Message was received from the **PRESIDENT OF THE UNITED STATES**:

To the Senate of the United States:

The Swedish Government having repeatedly manifested a desire to exchange a public Minister with the United States, and having lately appointed one with that view, and other considerations occurring to render it advisable at this period to make a corresponding appointment, I nominate Jonathan Russell, of Rhode Island, to be Minister Plenipotentiary of the United States to Sweden.

JAMES MADISON.

MAY 29, 1818.

The Message was read, and ordered to lie for consideration.

TUESDAY, June 1.

The Senate took into consideration the Message from the President of the United States of yesterday, nominating Jonathan Russell to office; and, on motion by Mr. GOLDSBOROUGH, the further consideration thereof was postponed.

Mr. GOLDSBOROUGH submitted the following motion for consideration; which was read:

Resolved, That the President of the United States be requested to inform the Senate when, and by whom, the first intelligence was officially communicated to the Department of State, of the repeal of the Berlin and Milan decrees, and at what time the first official information of the repeal of these decrees was given to the American Chargé des Affaires at Paris.

WEDNESDAY, June 2.

The Senate resumed the consideration of the nomination of Jonathan Russell, together with the motion submitted yesterday by Mr. GOLDSBOROUGH; and, on motion by Mr. KING, the motion was amended and agreed to as follows:

Resolved, That the President of the United States be requested to inform the Senate whether any communication has been received from Jonathan Russell, admitting or denying the declaration of the Duke of Bassano to Mr. Barlow, that he had informed his predecessor of the repeal of the Berlin and Milan decrees at the date of that decree.

Ordered, That the resolution, together with the nomination of Jonathan Russell, be referred to Mr. GOLDSBOROUGH, Mr. ANDERSON, and Mr. KING, to consider and report thereon.

MONDAY, June 7.

Nomination of Jonathan Russell.

Mr. GOLDSBOROUGH, from the committee to

Confidential Executive Proceedings.

whom was referred, on the 2d instant, the nomination of Jonathan Russell, reported :

That in pursuance of the order of the Senate, the committee met the Secretary of State by appointment at the office of the Department of State, when they were informed by the Secretary, that there was no official denial or admission of Mr. Jonathan Russell, that the allegation of the Duke of Bassano to Mr. Barlow, referred to, was true; but that he (the Secretary) had a private letter from Mr. Russell subsequent to the allegation of the Duke of Bassano, in which he understood that allegation to be unequivocally denied.

And, on motion, it was ordered that the further consideration of said nomination be postponed.

Mr. GOLDSBOROUGH submitted the following motion for consideration, which was read :

Resolved, That it is inexpedient at this time to send a Minister Plenipotentiary to Sweden.

MONDAY, June 14.

The President declines conferring with a Committee of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

To the Senate of the United States :

I have received from the committee appointed by the resolution of the Senate of the 14th day of June, a copy of that resolution, which authorizes the committee to confer with the President on the subject of the nomination made by him of a Minister Plenipotentiary to Sweden.

Conceiving it to be my duty to decline the proposed conference with the committee, and it being uncertain when it may be convenient to explain to the committee, and through them to the Senate, the grounds of my so doing, I think it proper to address the explanation directly to the Senate. Without entering into a general review of the relations in which the constitution has placed the several departments of the Government to each other, it will suffice to remark, that the Executive and Senate, in the cases of appointments to office and of treaties, are to be considered independent and co-ordinate with each other. If they agree, the appointments or treaties are made. If the Senate disagree, they fail. If the Senate wish information previous to their final decision, the practice, keeping in view the constitutional relation of the Senate and Executive, has been, either to request the Executive to furnish it, or refer the subject to a committee of their body to communicate, either formally or informally, with the head of the proper department. The appointment of a committee of the Senate to confer immediately with the Executive himself, appears to lose sight of the co-ordinate relation between the Executive and the Senate, which the constitution has established, and which ought therefore to be maintained.

The relation between the Senate and House of Representatives, in whom legislative power is concurrently vested, is sufficiently analogous to illustrate that between the Executive and Senate in making appointments and treaties. The two Houses are in like manner independent of and co-ordinate with each other; and the invariable practice of each in appointing committees of conference and consulta-

tion is to commission them to confer, not with the co-ordinate body itself, but with a committee of that body : and although both branches of the Legislature may be too numerous to hold conveniently a conference with committees, were they to be appointed by either to confer with the entire body of the other, it may be fairly presumed, that if the whole number of either branch were not too large for the purpose, the objection to such a conference, being against the principle, as derogatory from the co-ordinate relations of the two Houses, would retain all its force.

I add only that I am entirely persuaded of the purity of the intentions of the Senate, in the course they have pursued on this occasion, and with which my view of the subject makes it my duty not to accord : and that they will be cheerfully furnished with all the suitable information in possession of the Executive, in any mode deemed consistent with the principles of the constitution, and the settled practice under it.

JAMES MADISON.

WASHINGTON, July 6, 1818.

FRIDAY, July 9.

The Senate resumed the consideration of the nomination of Jonathan Russell, of Rhode Island, to be Minister Plenipotentiary to Sweden, together with the motion of Mr. GOLDSBOROUGH, under consideration yesterday, thereon; and, on the question to agree to the motion, it was determined in the affirmative—yeas 22, nays 14, as follows :

YEAS.—Messrs. Anderson, Bibb, Bledsoe, Brown, Daggett, Dana, Fromentin, Gaillard, German, Giles, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Laocock, Lambert, Leib, Mason, Stone, and Wells.

NAYS.—Messrs. Brent, Bullock, Campbell, Chace, Condict, Howell, Morrow, Robinson, Smith, Tait, Taylor, Turner, Varnum, and Worthington.

Resolved, That it is inexpedient, at this time, to send a Minister Plenipotentiary to Sweden.

Ordered, That the Secretary lay this resolution before the President of the United States.

TUESDAY, July 20.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

[CONFIDENTIAL.]

To the Senate and House of

Representatives of the United States :

There being sufficient ground to infer that it is the purpose of the enemy to combine with the blockade of our ports special licenses to neutral vessels, or to British vessels in neutral disguises, whereby they may draw from our country the precise kind and quantity of exports essential to their wants, whilst its general commerce remains obstructed; keeping in view, also, the insidious discrimination between the different ports of the United States; and as such a system, if not counteracted, will have the effect of diminishing very materially the pressure of the war on the enemy, and encouraging a perseverance in it, at the same time that it will leave the general commerce of the United States under all the pressure the enemy can impose, thus subjecting the whole to Brit-

ish regulation, in subserviency to British monopoly; I recommend to the consideration of Congress the expediency of an immediate and effectual prohibition of exports, limited to a convenient day in their next session, and removable in the mean time in the event of a cessation of the blockade of our ports.

JAMES MADISON.

WASHINGTON, July 20, 1818.

The Message was read, and referred to the committee who have under consideration so much of the Message of the President of the United States as concerns our foreign relations, to consider and report thereon by bill or otherwise.

THIRTEENTH CONGRESS.—FIRST SESSION.

PROCEEDINGS AND DEBATES

IN

THE HOUSE OF REPRESENTATIVES.*

MONDAY, May 24, 1818.

This being the day appointed by law for the meeting of Congress, precisely at twelve o'clock the late clerk of the House of Representatives called to order the members of the House of Representatives present in the Hall; and the roll of the members was called over by States, when it appeared one hundred and forty-eight members had answered to their names, viz:

From New Hampshire—Bradbury Cilley, William Hale, Samuel Smith, Roger Vose, Daniel Webster, and Jeduthan Wilcox.

From Massachusetts—William Baylies, Abijah Bigelow, George Bradbury, Elijah Brigham, Samuel Davis, William Ely, Levi Hubbard, Cyrus King, Timothy Pickering, John Reed, William Reed, Nathaniel Ruggles, Samuel Taggart, Artemas Ward, Abiel Woods, Laban Wheaton, John Wilson.

* LIST OF REPRESENTATIVES.

New Hampshire—Bradbury Cilley, William Hale, Samuel Smith, Roger Vose, Daniel Webster, Jeduthan Wilcox.

Massachusetts—William Baylies, Abijah Bigelow, Elijah Brigham, George Bradbury, Daniel Dewey, Samuel Davis, William Ely, Levi Hubbard, Cyrus King, James Parker, Timothy Pickering, John Reed, William Reed, Nathaniel Ruggles, Samuel Taggart, Artemas Ward, Abiel Woods, Laban Wheaton, John Wilson.

Connecticut—Epaphroditus Champion, John Davenport, jr., Lyman Law, Jonathan O. Mosely, Timothy Pitkin, Lewis B. Sturges, Benjamin Tallmadge.

Rhode Island—Richard Jackson, jr., Elias R. Potter.

Vermont—William C. Bradley, Ezra Butler, James Fisk, Richard Skinner, William Strong, Charles Rich.

New York—Daniel Avery, Egbert Benson, Alexander Boyd, Oliver C. Comstock, Peter Denoyelles, Jonathan Fisk, James Geddes, Thomas P. Grosvenor, Nathaniel Howell, Moses Kent, John Lefferts, John Lovett, Jacob Markell, Morris S. Miller, Moses Moffit, Thomas L. Oakley, Jotham Post, jr., Ebenezer Sage, Samuel Sherwood, Zebulon R. Shipard, William Smith, John W. Taylor, Joel Thompson, Elisha I. Winter.

New Jersey—Lewis Condict, William Cox, Jacob Hufty, Richard Stockton, James Schureman, Thomas Ward.

Pennsylvania—William Anderson, David Bard, Robert Brown, William Crawford, John Conard, Roger Davis, William Findlay, Hugh Glasgow, John Glossinger, Isaac Griffin, John M. Hyneman, Charles J. Ingersoll, Samuel D. Ing-ham, Jared Irwin, Aaron Lyle, William Piper, John Rea, Jonathan Roberts, Adam Seybert, Isaac Smith, Adamson Tanshill, James Whitehill, John Wilson.

Delaware—Thomas Cooper.

William Reed, Nathaniel Ruggles, Samuel Taggart, Artemas Ward, Laban Wheaton, and John Wilson.

From Connecticut—Epaphroditus Champion, John Davenport, jr., Lyman Law, Jonathan O. Mosely, Timothy Pitkin, Lewis B. Sturges, and Benjamin Tallmadge.

From Rhode Island—Richard Jackson, jr., and Elisha R. Potter.

From Vermont—William C. Bradley, Ezra Butler, James Fisk, Richard Skinner, and Charles Rich.

From New York—Daniel Avery, Egbert Benson, Oliver C. Comstock, Peter Denoyelles, Jonathan Fisk, James Geddes, Thomas P. Grosvenor, Moses Kent, John Lefferts, John Lovett, Jacob Markell, Morris S. Miller, Moses Moffit, Thomas L. Oakley, Jotham Post, jr., Ebenezer Sage, Samuel Sherwood, Zebulon R. Shipard, John W. Taylor, Joel Thompson, and Elisha I. Winter.

Maryland—Stevenson Archer, Alexander C. Hanson, Joseph Kent, Nicholas R. Moore, Alexander McKim, Samuel Ringgold, Charles Goldborough, Phillip Stuart, Robert Wright.

Virginia—Thomas M. Bayly, James Breckenridge, William A. Burwell, Hugh Caperton, John Clopton, John Dawson, John W. Eppe, Thomas Gholson, Peterson Goodwyn, Aylett Hawes, John G. Jackson, John P. Hungerford, John Kerr, Joseph Lewis, jr., William McCoy, Hugh Nelson, Thomas Newton, James Pleasant, jr., John Roane, Daniel Sheffey, John Smith, Francis White.

North Carolina—Willis Alston, John Culpeper, Peter Forney, Meshach Franklin, William Gaston, William Kennedy, William R. King, Nathaniel Macon, William H. Murfree, Joseph Pearson, Israel Pickens, Richard Stanford.

South Carolina—John C. Calhoun, John J. Chapell, Langdon Cheves, Elias Earle, David R. Evans, William Lowndes, Samuel Farrow, Theodore Gourdin, John Ker-shaw.

Georgia—William Barnett, William W. Bibb, Bolling Hall, John Forsyth, Thomas Telfair, George M. Troup.

Kentucky—James Clarke, Henry Clay, Joseph Desha, William P. Duval, Samuel McKee, Thomas Montgomery, Stephen Ormsby, Solomon P. Sharpe.

Tennessee—John R. Bowen, Felix Grundy, Thomas K. Harris, Perry W. Humphreys, John Rhea, John Sevier.

Ohio—John Alexander, Resin Beall, James Caldwell, James Kilbourn, John McLean.

Louisiana—Thomas Bolling Robertson.

Indiana Territory—Jonathan Jennings, *Delegate*.

Illinois Territory—Shadrack Bond, *Delegate*.

Missouri Territory— — — — — Hampstead, *Delegate*.

From New Jersey—Lewis Condict, William Cox, Jacob Hufty, Richard Stockton, and Thomas Ward.

From Pennsylvania—William Anderson, David Bard, Robert Brown, William Crawford, John Conard, Roger Davis, William Findlay, John Glossinger, Isaac Griffin, Charles J. Ingersoll, Samuel D. Ing-ham, Jared Irwin, Aaron Lyle, William Piper, Jonathan Roberts, Adam Seybert, Isaac Smith, Adamson Tannehill, and James Whitehill.

From Maryland—Stevenson Archer, Joseph Kent, Alexander McKim, Samuel Ringgold, Philip Stuart, and Robert Wright.

From Virginia—Thomas M. Bayly, James Breckenridge, William A. Burwell, Hugh Caperton, John Clopton, John Dawson, John W. Eppe, Thomas Gholson, Peterson Goodwyn, Aylett Hayes, John P. Hungerford, John Kerr, Joseph Lewis, jr., William McCoy, Hugh Nelson, Thomas Newton, James Pleasants, jr., John Roane, John Smith, and Francis White.

From North Carolina—Willis Alston, Peter Forney, William Gaston, William Kennedy, William R. King, Nathaniel Macon, William H. Murfree, Joseph Pearson, Israel Pickens, and Richard Stanford.

From South Carolina—John C. Calhoun, John J. Chapell, Elias Earle, David R. Evans, Samuel Farrow, Theodore Gourdin, and John Kershaw.

From Georgia—William Barnett, William W. Bibb, John Forsyth, Thomas Telfair, and George M. Troup.

From Kentucky—James Clarke, Henry Clay, Joseph Desha, William P. Duvall, Samuel McKee, Thomas Montgomery, and Solomon P. Sharpe.

From Tennessee—John H. Bowen, Felix Grundy, Thomas K. Harris, Perry W. Humphreys, John Rhea, and John Sevier.

From Ohio—John Alexander, James Caldwell, James Kilbourn, and John McLean.

From Louisiana—Thomas B. Robertson.

A large majority having been thus ascertained to be present, on motion of Mr. FINDLEY, the House proceeded to the choice of a SPEAKER by ballot.

Mr. LEWIS, Mr. ROBERTS, and Mr. McKIM, the tellers named by the clerk, having counted the ballots, Mr. LEWIS reported that the votes were as follows:

HENRY CLAY	-	-	-	-	89
TIMOTHY PITKIN	-	-	-	-	54
Scattering	-	-	-	-	5

It was accordingly declared that Mr. CLAY was duly elected, and he was conducted by the tellers to the Chair, from which, after having been sworn, he addressed the House in the following words:

GENTLEMEN: In returning to the station in which I am replaced by a continuance of your favor, whilst I am sensible of the honor which I have received, I am sensible also of my inability to fulfil the expectations justly raised by so elevated a distinction; but, gentlemen, the experience I have had, limited as it is, has satisfied me that, in the maintenance of the order of the House, less depends upon the presiding officer than upon the sense of the necessity of decorum being generally diffused throughout the body. Then only will a deliberative assembly be well governed, and its business agreeably transacted, when each member, identifying the reputation of the body

to which he belongs in his own, shall make the preservation of its order an affair of personal and individual concern, and shall render to the Chair a candid, liberal, and unbiased support. Under the hope and persuasion that you participate with me in these sentiments, I shall proceed to administer the duties you have been pleased to assign me.

The members were then sworn in by States.

JONATHAN JENNINGS having also appeared, and produced his credentials as the Delegate from the Indiana Territory, the oath was administered to him.

The House then proceeded to the choice of a Clerk; when PATRICK MAGEUDER was declared to be chosen, he having 111 votes.

On motion of Mr. FINDLAY, Thomas Claxton was reappointed Doorkeeper to the House, Thomas Dunn Sergeant-at-Arms, and Benjamin Burch Assistant Doorkeeper.

Mr. DAWSON and Mr. WINTER were appointed a committee, on the part of this House, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communication he may be pleased to make to them.

TUESDAY, May 25.

Several other members, to wit: from Vermont, WILLIAM STRONG; from New York, ALEXANDER BOYD and WILLIAM S. SMITH; from Delaware, THOMAS COOPER; from Virginia, JOHN G. JACKSON; and from North Carolina, MESHACK FRANKLIN, appeared, produced their credentials, were qualified, and took their seats.

Mr. DAWSON, from the joint committee appointed yesterday to wait on the President of the United States, and to inform him that a quorum of the two Houses was assembled, and ready to receive any communication he may be pleased to make to them, reported that the committee had performed that service, and that the President answered that he would make a communication to the two Houses to-day at twelve o'clock.

A Message was then received from the PRESIDENT OF THE UNITED STATES.

The Message was read, and committed to a Committee of the Whole on the state of the Union.

[For this Message, see Senate proceedings of this date, *ante* p. 5.]

WEDNESDAY, May 26.

Several other members, to wit: from Massachusetts, DANIEL DEWEY; from New York, NATHANIEL HOWELL; from New Jersey, JAMES SCHUREMAN; and from Maryland, ALEXANDER C. HANSON, and NICHOLAS R. MOORE, appeared, produced their credentials, were qualified, and took their seats.

The House then proceeded to ballot for a Chaplain, and, upon examining the ballot, it appeared that the Reverend JESSE LEE was duly elected.

JUNE, 1813.]

The Ways and Means.

[H. OF B

Reference of the Message.

On motion of Mr. GRUNDY, it was *Resolved*, That so much of the Message as relates to Foreign Affairs, be referred to a select committee.

After the adoption of these resolves,

Mr. CLAY (Speaker) rose and adverted to that part of the Message which alludes to the inhumanity of the enemy, expressed his abhorrence of the enormities committed by them, as well in the massacre of our citizens on the Western frontier, as the conflagration of our little towns on the maritime border. The latter outrage had not been pretended to be denied, but had been apologized for (by whom he did not say) on the pretence that our people had first fired on one of their flags. Although he believed the allegation false, he was glad that it was thought necessary to make any apology for it. The facts, however, in both cases, ought to be inquired into and distinctly ascertained. If found to be as public report had stated them, they called for the indignation of all Christendom, and they ought to be embodied in an authentic document, which might perpetuate them on the page of history. These were substantially the remarks with which Mr. CLAY prefaced the following resolution:

Resolved, That so much of the Message of the President of the United States as relates to the spirit and manner in which the war has been waged by the enemy, be referred to a select committee.

The resolution was adopted without opposition or division.

THURSDAY, May 27.

Another member, to wit, from Pennsylvania, JOHN M. HYNEMAN, appeared, was qualified, and took his seat.

FRIDAY, May 28.

Several other members, to wit: from Massachusetts, ABIEL WOOD; from Pennsylvania, JOHN REA and JOHN WILSON; from Virginia, DANIEL SHEFFEY; from South Carolina, WM. LOWMEDES, from Georgia, BOLLING HALL, and from Kentucky, STEPHEN ORMSBY, appeared, produced their credentials, were qualified, and took their seats.

After the reception of sundry petitions, the House adjourned to Monday.

MONDAY, May 31.

Several other members, to wit: from Maryland, CHARLES GOLDBOROUGH; from North Carolina, JOHN OULPEPER; and from South Carolina, LANGDON CHEVES, appeared, produced their credentials, were qualified, and took their seats.

FRIDAY, JUNE 4.

Two other members, to wit: from New York, SAMUEL M. HOPKINS; and from Delaware,

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HENRY M. RIDGELY, appeared, produced their credentials, were qualified, and took their seats.

MONDAY, June 7.

SHADRACK BOND appeared, was qualified, and took his seat, as the Delegate from the Illinois Territory.

TUESDAY, June 8.

Two other members, to wit: from Pennsylvania, HUGH GLASGOW; and from Ohio, REZIN BEALL, appeared, produced their credentials, were qualified, and took their seats.

THURSDAY, June 10.

Mr. HEMPSTEAD appeared, was qualified, and took his seat as the Delegate from the Missouri Territory.

The Ways and Means.

Mr. EPPEL, from the Committee of Ways and Means, made the following report:

The Committee of Ways and Means, to whom was referred so much of the Message of the President of the United States as relates to the establishment of a well-digested system of internal revenue, have had the same under consideration. They deem it unnecessary to say any thing as to the necessity of providing additional revenue at a time when the general rate of expenditure has been so much increased by measures necessarily connected with a state of war. A reference to the reports from the Treasury Department and from the Committee of Ways and Means, during the last and preceding years, will show that a provision for additional revenue can no longer be delayed without a violation of all those principles held sacred in every country where the value and importance of national credit have been justly estimated. They have reviewed the system heretofore presented, and taking into consideration its having been sanctioned in its principles by a vote of the House of Representatives, have determined to recommend its adoption, with some modification, in preference to commencing a new system at a period when neither the principles or details could receive that mature consideration on which alone they could venture to recommend its adoption. The bills heretofore reported were founded on estimates which assumed for a basis the providing a revenue sufficient to meet the expenses of the Peace Establishment, the interest on the old debt, and on such new loans as have been or may hereafter be authorized. These several items for the year 1814, are estimated as follows:

The expenses of the Peace Establishment		\$7,000,000
The interest on the public debt—		
On the old funded	- - -	2,100,000
On six per cent. stock of 1812, including temporary loans received in part of the loan of \$11,000,000, which will remain unpaid in 1814	- - -	500,000
On six per cent. stock of 1818	- - -	1,090,000
On Treasury Notes, which will be reimbursable in 1814, say on \$5,900,000 at 5 2-5 per cent.	- - -	270,000
On the loan for 1814—interest payable within that year	- - -	440,000
		11,400,000

H. OF R.]

French Decrees.

[JUNE, 1813.]

The revenue now established being estimated to produce - - - \$5,800,000

Leaves to be provided for - - - 5,600,000

To meet which sum the committee propose—

1. A direct tax of - - - 8,000,000

Internal duties, viz:

Duties on stills, say - - - 765,000

On refined sugars - - - 200,000

On retailers' licenses - - - 500,000

On sales at auction - - - 50,000

On carriages - - - 150,000

On bank notes and negotiable paper - - - 400,000

On salt at 20 cents - - - 400,000

Additional duty on foreign tonnage - - - 900,000

6,365,000

Deduct for expenses of collection, assessment, and losses - - - 750,000

Leaves - - - 5,615,000

The committee therefore ask leave to report the following bills:

1. A bill for the assessment and collection of direct taxes.

2. A bill to lay and collect a direct tax within the United States.

*3. A bill laying a duty on imported salt.

4. A bill establishing the office of Commissioner of the Revenue.

5. A bill laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise.

6. A bill laying duties on carriages for the conveyance of persons.

7. A bill laying duties on licenses to distillers of spirituous liquors.

8. A bill laying duties on sales at auction of foreign merchandise and of ships and vessels.

9. A bill laying duties on sugars refined within the United States.

10. A bill laying duties on bank notes and on notes of hand, and foreign bills of exchange of certain descriptions.

11. A bill making further provision for the collection of internal duties.

12. A bill laying an additional duty on foreign tonnage.

The several bills above recited were read twice, and referred to a Committee of the Whole, and made the order of the day for Monday.

French Decrees.

Mr. WEBSTER rose, as he said, to call the attention of the House to a subject of considerable importance—a task which he had hoped would have fallen into the hands of some other gentleman better qualified than himself to undertake it. He then read the resolutions which will be found below. In offering these resolutions, it was not his intention, he said, to enter into any discussion or argument, or to advance any proposition whatever, on which gentlemen could adopt different views or take different sides. He would merely remark, by way of explanation, what would be remembered by all, that the subjects to which these resolutions re-

ferred, were intimately connected with the cause of the present war. The revocation of the Orders in Council of Great Britain was the main point on which the war turned, and it had been demanded for the reason that the French decrees had ceased to exist. This then was the point at issue. Mr. W. remarked on what he termed the contradictory evidence on this head: the letter of Mr. Champagny on one hand asserting the revocation; the speech of the Emperor to the free cities on the other denying it; the decisions of the French Admiralty Courts on one hand, and opposite decisions of the same courts on the other. The whole matter, in short, was involved in doubt. But, on the declaration of war, and not until then, a decree appeared repealing the French decrees; a decree, which, if issued, had laid dormant, mere *brutum fulmen*, until after the war commenced, and then only made its appearance. In March last, it would also be recollected, the President had communicated to Congress, immediately before its adjournment, certain correspondence between our Government and its Minister in France, the prominent feature of which correspondence was, that, in an interview between our Minister and the French Secretary for Foreign Affairs, which took place about the 1st of May, 1812, it was stated by the latter that the decree in question had been put into the hands of our Minister in France, and transmitted to the French Minister in the United States, at the time at which it bore date. To shed light on this transaction, Mr. W. said, it was, that he moved these resolves, in the discharge of what he deemed a duty to his constituents and his country. The declaration of the French Minister had a great bearing on the reputation of the country—on the reputation of those persons who, in their official characters, represented the dignity of the nation. To place their conduct in its proper light, he presented to the consideration of the House the following resolutions:

Resolved, That the President of the United States be requested to inform this House, unless the public interest should in his opinion forbid such communication, when, by whom, and in what manner, the first intelligence was given to this Government of the decree of the Government of France, bearing date on the 28th April, 1811, and purporting to be a definitive repeal of the decrees of Berlin and Milan.

Resolved, That the President of the United States be requested to inform this House whether Mr. Russell, the *Chargé d'Affaires* of the United States at the Court of France, has ever admitted or denied to this Government the correctness of the declaration of the Duke of Bassano to Mr. Barlow, the late Minister of the United States at that Court, as stated in Mr. Barlow's letter of the 12th May, 1812, to the Secretary of State, "that the said decree of April 28, 1811, has been communicated to his (Mr. Barlow's) predecessor there;" and to lay before the House any correspondence with Mr. Russell, relative to that subject, which it may not be improper to communicate; and also any correspondence between Mr. Barlow and Mr. Russell, on that subject, which may be in possession of the Department of State.

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French Decrees.

[H. OF R.]

Resolved, That the President of the United States be requested to inform this House whether the Minister of France, near the United States, ever informed this Government of the existence of the said decree of the 28th April, 1811, and to lay before the House any correspondence that may have taken place with the said Minister relative thereto, which the President may not think improper to be communicated.

Resolved, That the President of the United States be requested to communicate to this House any other information which may be in his possession, and which he may not deem it injurious to the public interest to disclose, relative to the said decree of the 28th April, 1811, and tending to show at what time, by whom, and in what manner, the said decree was first made known to this Government, or to any of its representatives or agents.

Resolved, That the President be requested, in case the fact be that the first information of the existence of said decree of the 28th April, 1811, ever received by this Government, or any of its ministers or agents, was that communicated in May, 1812, by the Duke of Bassano to Mr. Barlow, and by him to his Government, as mentioned in his letter to the Secretary of State, of May 12, 1812, and the accompanying papers, to inform this House whether the Government of the United States has ever required from that of France any explanation of the reasons of that decree being concealed from this Government and its Ministers for so long a time after its date; and if such explanation has been asked by this Government, and has been omitted to be given by that of France, whether this Government has made any remonstrance, or expressed any dissatisfaction to the Government of France, at such concealment.

Mr. GROSVENOR having required the yeas and nays on the question of proceeding now to consider the resolutions, they were found to be— for consideration 182, against it 28.*

FRIDAY, June 11.

French Decrees.

The House proceeded to the consideration of several resolutions proposed by Mr. WEBSTER a day or two ago, the first of which was read in the following words:

"Resolved, That the President of the United States be requested to inform this House, unless the public interest should, in his opinion, forbid such communication, when, by whom, and in what manner, the first intelligence was given to this Government of the decree of the Government of France, bearing date on the 28th of April, 1811, and purporting to be a definitive repeal of the decrees of Berlin and Milan."

Mr. CALHOUN said he did not rise to oppose the passage of this resolution on account of its object; but he objected to the novelty of the

form of the resolution. The resolution went further than merely asking for information; it also asks, when and by whom the information in question was received. Such form and particularity was unprecedented in such cases. He rose to ask the precise object of the gentleman in giving this form to his motion. What use was intended to be made of the information called for?

Mr. WEBSTER said, with respect to the use to be made of the information to be obtained, it would depend on what that information should be. With respect to the form of the resolution, it had been offered in this form because it was on a subject on which he wished for particular information, of that nature which was designated by its terms.

Mr. CALHOUN said he could not but think that the gentleman from New Hampshire had rather eluded than answered his inquiries. I asked, said Mr. C., the reason of the novelty of the form. The gentleman says his object is particular information. If information only be wanted, I am willing to join gentlemen in asking for every information they may wish. But I object to the novelty of the form; to the use of so particular terms. Mr. C. submitted to the good judgment of gentlemen the propriety of varying the language of the resolve.

Mr. GROSVENOR said, without entering into the merits of the resolve, he would state the impressions of his mind as to the form of it. The gentleman from South Carolina had admitted that suspicion had attached to this Government as to the decree in question. [Mr. CALHOUN said he did not admit the fact; but had said that this matter had been so handled as that it might have created suspicion.] A general resolution had been adopted at the close of the last session calling for information on this subject, when the President had transmitted to the House the repealing decree, without affording the information in respect to it which was sought by these resolves, the object of which was, to sweep away entirely the charge which had been made against the Government; to give the Executive a proper opportunity for transmitting to the House information on this subject, which would completely exculpate him. The particularity of the resolutions objected to by the gentleman, was essential to their object, as describing what information was desired. If such information as was desired was in the Office of State, it required a particular call to elicit it, as the general resolution adopted at the end of the last session had not brought it forth.

Mr. WEBSTER said he had not been aware that there was any particular form of calls for information. He should rather have supposed that the form would be governed by a general regard to the purpose in view; that questions would be therein asked bearing on the points in relation to which information was wished for. He asked the gentleman whether there was not apparent on the public records the necessity of

* These resolutions gave rise to the principal debate of the session, and the answers to them were expected to incaluate the Government for concealing a knowledge of the repeal of the Berlin and Milan decrees until after the declaration of war, and thereby bringing on the war with Great Britain; but the answers were different from what had been expected, and gave an advantage to the administration. The act was, the French decree was ante-dated.

calling on the Executive, if at all, for information through whom this decree had been first received. The French Minister had declared that the decree had been transmitted through two channels. Was not the inquiry, then, material through which, if either, it had been received? Mr. W. said he would not go the whole length which the gentleman from South Carolina had gone, in saying that suspicion had attached to the Government on this head. He would say for his part he entertained none. The particularity of the call arose from the nature of the information wished; and if there was novelty in the form, it was because a similar case had never arisen.

Mr. CALHOUN said he was glad the gentleman had at last come to the point. The gentleman from New Hampshire, adverting to the correspondence of Mr. Barlow, says that the French decree had been alleged to have been transmitted through two sources to our Government. The first of these resolves inquires through whom and in what manner this decree had been communicated. The second and third resolutions embrace the object avowed by the gentleman, viz: an inquiry whether the decree in question had been received through either of the two channels designated by the Duke of Bassano. Why, then, after being thus precise in two separate resolutions, was the President, in addition to these specific inquiries, called upon to inform the House through whom and in what manner the decree had been received by him? Was not this language (wholly unnecessary with the object which the gentleman avowed) calculated to bring up a third idea, not avowed by the mover, that the decree might have been received through some other channel than either of those through which the Duke of Bassano had declared to Mr. Barlow that he had forwarded it? If inquiry was meant only as to the two modes of communication indicated in the correspondence, the terms of the first resolve were unnecessary as well as indecorous; if otherwise, there were no facts on which to rest suspicion or ground inquiry.

Mr. C. concluded by moving to strike out the resolution the words "by whom and in what manner."

Mr. McKee rose for the purpose of proposing an amendment which, he said, would supersede the one proposed by the gentleman from South Carolina. His object was to strike out the whole of the resolutions, and in lieu thereof insert a resolution, which he read, calling upon the President generally for information on this head. He said he was persuaded there was no gentleman in the House desirous to detain from the public eye any information which he had any reason to believe calculated at all to enlighten the public mind, or mature the opinions of gentlemen of the House in relation to our concerns with foreign nations. But there certainly was something due to the Chief Magistrate of the nation. It was impossible for any man to read the resolutions without perceiving

that they might be construed injuriously to the Executive. Why not ask for the information desired in respectful terms? Was the House likely to arrive at its object in this way sooner than by a decorous and respectful course? He saw no propriety in the particular terms of the resolution, especially when the information desired might be as easily obtained by pursuing a different course. He was as anxious as the gentleman who moved the resolutions to lay before the nation every particle of information in relation to the decree dated the 28th of April, 1811. So far as he was informed, the conduct of France in relation to that matter, was as he had frequently believed it to be, insincere, base, and abominable. He wished that every man in the nation might see and detest it.

Mr. SHERFFY said the honorable member from Kentucky might as well vote against the inquiry altogether, as substitute the motion which he had read. It was, no doubt, well known to that gentleman, that a resolution, in the very terms perhaps which he had read, had been adopted at the last session, the result of which we have seen. The same answer might be expected to the resolve read by the gentleman, if it was adopted in preference to those now under consideration.

Mr. McKee said he had no knowledge of the adoption, at the last session, of a resolution similar to that which he had moved. If such a one could be shown on the Journals, he would withdraw his motion.

Mr. SHERFFY then quoted the Journal of the 1st of March last, containing a resolution, moved by Mr. GOLDSBOROUGH, calling for a authenticated copy of the decree, purporting to be a revocation of the decrees of Berlin and Milan, and also for information as to the time and manner of its communication, &c.

I believe it will be found, continued Mr. S., that this motion, then adopted, substantially embraces the requisition contained in the motion of the gentleman from Kentucky. That resolution required a copy of the decree in question, together with information of the time and manner of its communication, and also any correspondence or facts related thereto. I ask the gentleman whether he recollects the result of this inquiry? Did we get any information as to the time and manner of promulgating that decree? We had communicated to us, without any explanation or declaration on the part of the Executive, several extracts of letters from Mr. Barlow to the Secretary of State, in one of which he expressly said, that the Duke of Bassano did state that the repealing decree had been communicated to our Government through two channels, at as early a date as May, 1811. What follows? Either the assertion of the Duke of Bassano is true or it is not true. Whether it be or be not, is a matter highly important to this nation, to the people, to their Representatives, to whom is committed the administration and superintendence of their affairs; not only so far as the constitution has commit

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ted a legislative duty to this House, but also so far as it is its duty to see that the powers confided to other departments of the Government are honestly and fairly executed. If the President in 1811 was possessed of this decree, as has been asserted by the French Minister, I hesitate not to pronounce, under the high responsibility of my situation as a member of the Grand Inquest of the Nation, that the conduct of the President deserves not only the scrutiny but the reprehension of the nation; for such information would show that the nation has been involved in war without the least necessity. It is manifest that if this decree was known to our Government in 1811, and had been known to the people, and used in the manner it ought to have been, the Orders in Council, the great cause of the war, would have been done away; and, if they had, would any man say that we should have been plunged into the disastrous and ruinous war in which we are now engaged? It is undeniable, if the Orders in Council had been repealed, that we should not have been engaged in the present war. I conceive that the resolutions ought to be specific, to remain as they are. If we want any information at all, it is that designated in the words moved to be expunged by the gentleman from South Carolina. It may turn out, and I hope it will, that the French assertion in this respect was, as French assertions generally are, false, and to have been only an attempt further to inveigle us. I hope that will turn out to be the case; in some degree I am confident such will prove to be the fact. Although I do not agree with the President of the United States in his present policy, charity and my own opinion of his personal character forbid me from believing that the President could have had this decree in his possession for more than two years, and that merely to preserve the consistency of his proclamation of November, 1810, he should have suppressed it. I will not believe it; I will, until it shall prove to be otherwise, believe the French assertion to be false.

Mr. FISK rose but to say a word or two in reply to the gentleman from Virginia. I could wish, said Mr. F., when questions of a public nature are brought before the House, with the express view of giving information, that the statements on which they are founded might be correct. I deny entirely the conclusion just drawn, that if the Executive was in possession of this information, and had communicated it, it would have prevented the war. Is it not known to the nation that the British Minister, Mr. Foster, after quibbling for months, was at length brought by Mr. Monroe to a definite answer, that if the French decrees were repealed, the Orders in Council would not be revoked? And, are we now to be told, if that decree of repeal had been produced, it would have prevented the war? I presume it will be found that the decree was not in possession of our Government; but, if it had been, its promulgation would not have prevented the war. Mr. F. said he had

only risen to express this idea, and to state his surprise to hear every attempt made on every occasion to shield the British Government from blame, and to impute it to our own Government.

Mr. CALHOUN said he had hoped that there would have been no division of opinion on this subject—that there would have been no objection to such a modification of this resolution as had been proposed by him. He would state the circumstance which he thought ought to govern gentlemen in paying some little deference to the feelings and wishes of those on this side of the House. What were the facts on which the resolutions were grounded? A few days before the end of the last session of Congress, on motion of a gentleman from Maryland, a resolution was adopted calling on the President for certain information relative to our relations with France. The President, on the next day but one, that is, on the last day of the session, made a communication, which, among other things, stated a conversation which had taken place between Mr. Barlow, our late Minister to France, and the Duke of Bassano, relative to the repeal of the French decrees. Mr. Barlow expressed his surprise when the decree of 28th April, 1811, was produced, that it had been so long concealed. The Duke of Bassano replied, that it had been communicated to our Minister in France,* and the French Minister in this country, at the time it was issued. It is fair to acknowledge that that order must have been ante-dated, or concealed by the French Government, or communicated to the Executive, and by them concealed. Whatever form of inquiry gentlemen might think proper to adopt, by which to prove that the decree was ante-dated or concealed, Mr. C. was willing should be adopted. The House ought not, however, in the present stage of this business, to presume that the repealing decree had been communicated to the Executive and by him concealed. He would not attribute such motives to the gentleman from New Hampshire—he was too honorable to be actuated by them. No man who looks into his own heart and finds purity there, will be liable to misrepresent the motives of others. The resolution, as hastily read, would nevertheless convey the idea to which he had just alluded. He wished the gentleman from New Hampshire, then, would consent to expunge these words; and he asked it the more confidently, as the gentleman himself had shown that those words were mere surplusage, because the object which he professed to have in view was embraced in two distinct resolutions which follow the first. If, when the President should make a reply to the resolutions thus amended, there should be any circumstance leading to a suspicion of concealment, it would be competent to any gentleman to move an additional explanatory resolution; and Mr. C. distinctly pledged him-

* Mr. Jonathan Russell, the then *Chargé d'Affaires*.

self for one, should any ambiguity appear in the reply, that he would join gentlemen in voting for further inquiry. But he had the firmest belief that nothing was withheld that was necessary to be known, and that all would be satisfactorily cleared up.

Before he sat down he would advert to one thing. The gentleman from New Hampshire, in moving these resolves, said (according to the report of his speech in the National Intelligencer) to this effect: that the question at issue between the Governments of America and Great Britain, on which the declaration of war turned, was, whether the French decrees were or were not repealed. And the gentleman from Virginia had to-day spoken to the same effect. Mr. C. said he would not, on the present occasion, go to the trouble of dilating at large on that point; but he would observe that the gentleman had presumed to do for us in this case what would be considered very extraordinary to have been done in a suit at law. He, the defendant in the action, had drawn the declaration for the plaintiff, and pointed out the issue. This was as unfair in a political as it would be in a legal contest. Mr. C. said he had always distinctly contended for the right to consider the injuries done to us by each belligerent on their own ground. This had been his course, because a different one would have been as unworthy a nation, as it would have been unworthy of an individual. What! said he, shall we make the right of obtaining redress from England dependent on the justice of France? He, for his part, would take a higher, a different ground. He saw what had led the gentleman into error—he had mistaken the means of redress for the injury to be redressed. This country had, indeed, in its great efforts to preserve peace and neutrality, endeavored to get one of the belligerents to repeal its offensive edicts, in order to induce the other to do the same. Our Government (said Mr. C.) did descend one step in passing the act of 1810, under which France did (or, as the gentlemen over the way would say, pretended to) repeal her decrees of Berlin and Milan. Britain did refuse to proceed *pari passu* with France in this repeal. I will now place this question at rest forever; this fact shall hereafter forever be without contradiction. England did say to this country, even if France did repeal her decrees in relation to us she would not repeal her Orders in Council. This she did say by the solemn declaration of the Prince Regent, dated 21st April, 1812. No gentleman dare hereafter reiterate the statement that if France had *bona fide* repealed her decrees, as regards America, England would have followed her example. Most indubitably gentlemen who so highly appreciate British faith will not discredit the evidence I produce. By some unaccountable means they have heretofore contrived to throw a cloud over it, to keep it out of sight. A further evidence in proof of my assertion is, that when there was no longer a shade of doubt hanging over the

repeal of the French decrees, that is to say, for thirty-five days after the official communication to the British Government, of the French decree, bearing date the 28th April, 1811—no repeal of the Orders in Council took place. What process was going on in Britain in that interval? During these days a most laborious inquiry was in progress in the House of Commons, into the effects, beneficial or otherwise, produced on the commercial interest of Britain by her Orders in Council of 1807 and 1809; during all which time the British Ministry not only approbated and supported them, but took higher ground in relation to them than they had ever done before. They entirely gave up the pretended retaliatory character of the Orders in Council; they were bound to give it up. Men of common sense could no longer have defended them on that ground. The question was, in terms, whether or not our commerce, that is neutral commerce, should be made subservient to British monopoly. And how, finally, were the Orders in Council repealed? After it had been made clear as the light of the sun in heaven, that they were injurious to British commerce. Will the gentleman from Virginia now say that England would have repealed her Orders in Council, as to us, if she had been convinced that France had in the same manner revoked or modified her decrees? The gentleman dare not say it. No, sir, he dare not, because I shall prove him guilty of falsity if he does. His known integrity and candor are too great to permit him to say it. He dare not say, then, that if the French decree of repeal had been known, the British orders would have been repealed and the war thus prevented.

[Mr. STOKTON here spoke to order. He wished to know whether personal threats were admissible on the floor—whether any gentleman could be permitted to say that another dare not say any particular thing.]

The SPEAKER said he did not understand the gentleman as having used a personal threat.]

Mr. CALHOUN continued. He wished it to be distinctly understood, that he had no personal meaning in what he said. He merely had said that the gentleman dare not, as a man of veracity, assert a fact otherwise than that fact is. He was sorry the gentleman from New Jersey, much more that the gentleman from Virginia, himself, should misunderstand him. I will be more particular, said Mr. C. I assert that two and two make four; and I say no gentleman dare to contradict it. I say so on conviction of the certainty of the fact. Sir, although warm in my country's cause, nothing shall ever induce me unnecessarily to wound the feelings of any gentleman in this House, more especially of the gentleman from Virginia, with whom I have never been so unfortunate as to come in collision. I may be warm, sir; I have a right to be so. I was one of the advocates of the present war. I considered the interests and rights of the nation compromised in the question, and I

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French Decree.

[H. OF R.]

was bound to vote for it. I am therefore mortified to see it placed on ground on which it ought not to stand. I am mortified to hear the misstatements which prevail on this subject. The cause of my country is that in whose behalf I am now warm, and ever hope to be so. It is a cause on the truth and justice of which I would stake my all—though on its ultimate success I cannot, for that is yet in the womb of time.

I have condescended sir, to view this question for a moment on the ground of the relative conduct of France and Great Britain. Not that I believe the Government ought to descend, in the pursuit of a magnanimous policy, to a scholastic view, which nation has done us the first or the greatest injury. Such considerations would never enter into the view of a statesman. The question is, how we can best redress the wrongs of the country. I have ever regretted that the injuries of the belligerents should for a moment have been viewed in their retaliatory character, notwithstanding the excellence of the motive—a love of peace, and a desire to maintain it. I would have taken a higher ground; and the Government, finding all their pacific efforts were in vain, were compelled at length to appeal to the last resort. An opposite view of this question appears to me ridiculous, if I dare mingle ridicule with a question of such seriousness. Is it not absurd to contend that we ought to suffer ourselves to be beaten to death, whilst engaged in abstract philosophic inquiries who gave us the first blow? In the whole of this contest of restrictions, I shall ever deem the conduct of France to have been improper. I stand here only as the assertor of American rights, the vindicator of the American cause. I will not presume that the President had received the decree in question and concealed it—and the only modification I ask of these resolutions is, to divest them of that imputation, which they appear to convey. Thus modified, I shall cheerfully vote for them, to afford to gentlemen in opposition the most liberal opportunity of obtaining all the information they can wish.

Mr. HANSON said the part of the resolution which the gentleman from South Carolina regarded as so exceptionable, conveying, as he supposed, an insinuation against the President highly disrespectful and unwarrantable, was the very part he most wished to retain. Those words expunged, the pith, the essence of the resolution was extracted, and nothing would remain to be acted on. It would be equivalent to a rejection of all the resolutions, because the first resolution was the pivot upon which the rest turned—take it away, the key-stone of the arch was removed and the whole fabric must necessarily fall.

Mr H. could not but express his surprise that any opposition should be made, by the friends of the Administration, to the resolutions under consideration; that it was indeed to have been expected that an early opportunity would be sought by the gentlemen themselves to remove from the public mind injurious and well-founded suspicions against the Executive, spread

everywhere and daily acquiring strength; that it was to have been expected that such an opportunity would have been earnestly sought and eagerly embraced, to vindicate the honor of Administration, by refuting one of the most insulting and outrageous imputations of falsehood, fraud, and imposture, ever submitted to by one independent power from another. That it was to have been expected the guardians of the national honor would have displayed a quick and lively sensibility to whatever affected the character of the country; and that their own share of responsibility, a just sense of what was due to themselves, would have suggested to gentlemen on the other side the necessity of some exculpatory course, some voluntary proceeding, to wipe away the stain cast upon their characters by the presumptuous tool of a foreign despot. Should the resolutions be rejected, the public is bound to believe, the people inevitably will believe, either that the important document which we ask to be laid before the nation was suppressed, for the most corrupt purposes, or that, rather than risk the displeasure of France, by exculpating the Executive and itself, this House prefers to sanction, nay, recommend, a negative vote, a continued concealment of evidence, a suppression of a declaration exposing the "courtly insincerity," the duplicity, and falsehood, of France.

Mr. H. said that he wished to dismiss from the discussion all the rubbish and trumpery which might be raked together in the Department of State, and brought to bear upon this question; he wished to discard all extraneous matter with which it might be attempted to encumber the question, in order to direct the attention of the people from the true subject of inquiry. Let us, said he, simplify the question, and present it in a form calculated to meet the apprehension of every man, not having an unaccountable obliquity of vision, or tortured by a distressing density of intellect. And how stands the question? Simply and plainly thus: Shall the Chief Magistrate of this nation rest under the foul imputation of having done a deed at the bare mention of which honor blushes—the cheek of charity must mantle—a deed which, in a better age, would have brought a monarch to the block? Or will the National Legislature afford that Chief Magistrate an opportunity (which opportunity, to be sure, might have been taken) to acquit himself by his own mere denial of the charges, and thus inculcate his imperial accuser, who has officially promulged, I trust, an unqualified untruth, vitally affecting the honor of Government? This plain proposition presented to the minds of gentlemen, could they doubt or hesitate in their decision? Forced, driven to the alternative of flying in the face of imperial ire, and the unavoidable degradation of submitting to an allegation of treachery to this people by their rulers, it was but reasonable to expect a prompt decision in favor of the call for information. As much as gentlemen might excel in the art of "making the worse appear

the better reason," (and we had abundant proof that skilful sophists were on the floor,) it was not in the power of human ingenuity, sophistry itself could not vary the true, simple statement of the case. The resolutions rejected, or so altered as to defeat the fair purpose of their honorable mover, the call for particular information refused, and the inference was irresistible; the mind of man could not resist it—a verdict of guilty would be pronounced against Administration by the grand inquest of the nation. On the other hand, let the President confront his accuser, and officially deny the official declaration of the Duke of Bassano, and the national character would be in so much retrieved, the honor of Administration in so far vindicated. For himself, Mr. H. said he could not help thinking, as an American he could not help hoping, the French Minister would be convicted of a wanton, groundless official falsehood. Guilt rested somewhere, and he himself hoped it could be fastened on France.

As a party man, I am free to confess, said Mr. H., it will be the cause of no great agony of grief with me, to see the resolutions rejected; but love of country, the great and sole foundation of all public virtue, cheerfully yields the triumph which such a vote would assure to the minority. You, sir, are not now to be informed that thousands and hundreds of thousands of the free and enlightened people of this Republic, judging from the mysterious acts of Administration, the constant and (in my judgment) abominable practice of suppressing information, and a curious coincidence in our measures and those of a foreign power, are firmly persuaded, if not riveted in the opinion, that the destinies of this nation are directed by a distant hand. They know that France, ever since her regicidal era, when the mild and amiable Louis was butchered, has arrogated and haughtily exercised the right of superseding, by a code of her own, all the sacred and recognized principles of the laws of nations; this France, that fawns over her prey, and courts whom she designs to destroy; whose annals of perfidy, usurpation, and blood, have blotted the history of man, and at last provoked the wrath of the Almighty, whose arm has been made bare to smite the monster identified with her crimes. This people think that France has plundered us of our property without one manly effort to recover or protect it; cramped us in our industry, without our daring to complain; at first assigned limits to our commerce, and finally forced us to unite in measures for its destruction—robbed us of our honor—chained us to the car of the conqueror—coerced us to shout hosannas to his fame, and fabricate apologies for his misfortunes—twisted a knot about our necks, which we are told the tyrant's sword alone can cut. Will you reject these resolutions, and thus confirm all that will be, can be, and ought to be thought and said touching French influence?

There exists, said Mr. H., another and a very important reason why the majority should pro-

ceed cautiously, evincing a delicacy of honor, a nice sensibility, on a question which is to decide upon their pretensions to whatever an honest party properly appreciates. In addition to the intimation by the imperial prime minister that the privations and miseries with which the country has been afflicted for the last year have been brought upon us by the concealment of a document which would have prevented the war, if communicated to Congress; that our smoking and bleeding frontier has been visited with the most awful calamities, through the treachery of our rulers; in addition to these considerations, upon a late and memorable occasion, the "invincible and super-eminent Napoleon" declared to his Conservative Senate of slaves, in pretty direct terms, that we were engaged in a common cause with him. These are his words:

"America has recurred to arms to cause the sovereignty of her flag to be respected. The wishes of the world accompany her in this glorious contest. If it terminates in obliging the enemy of the Continent to recognize the principle that the flag shall protect the merchandise and crew, and that neutrals ought not to submit to paper blockades, (all is conformable to the treaty of Utrecht,) America will meet the applause of the world."

Such, Mr. Speaker, is the language of the late assumed Autocrat of all the States of the Continent. The war is not to cease until England recognizes a new interpolation in the maritime code of nations; in other words, until the Napoleon code is adopted, which shall give to the neutral flag, a piece of striped bunting, backed by quaker cannon, the magical effect of preserving inviolate all that sails under it, of protecting whatever is covered by it. Yes, sir, this new point of international law the "invincible" and "generous conqueror," seated on his imperial throne, covered by a canopy I dare say not less splendid than that above your head, Mr. Speaker, surrounded by his scullion princes and mock grand dignitaries of the Empire, has promulgated for the government of nations—for our guidance—for the government of

—The petty men

Who walk under his huge legs, and peep about
To find themselves dishonorable graves.

Mr. H. said, it appears, too, from the same laconic notice our loving friend has designed to take of this most enlightened nation of the world, that with the same solemnity, and on the same occasion, he has declared to the automata around him, "for this new principle the Americans fight," and for so fighting have gained the world's applause, a tyrant's praise, the friendship of a "cut-purse of the Empire and the rule." Yes, the great Napoleon has written, has spoken, has promulgated it to the nations of the world, that we fight Great Britain for such a principle; all is conformable to the treaty of Utrecht!—while a curious similarity of sentiment is to be found between the late Message of the President and the speech of the Emperor, upon the point, that "the flag shall cover

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French Decrees.

[H. OF R.]

the merchandise and crew"—that free ships shall make free goods.

Is it true or is it false, said Mr. H., that we are fighting to support such pretensions? Such facts we are the panel to try, and, according to my ideas, the decision will be governed by the vote upon these resolutions. Again, is it true? We have the word of Napoleon for it, and "but yesterday his word would have stood against the world." Now, crippled and prostrate, surely there could be no great danger in bringing our Executive into collision with him, whose honor must be protected against an imputed act of malfeasance, presupposing the blackest turpitude. If it be false, boldly fling back the contumely, and hurl indignant defiance in the teeth of the unprincipled, perfidious tyrant. Hesitate, fear not to contradict and expose the man who has dared to assail the integrity and sacred honor of our Government. Mr. H. said it was not for those who might concur with him in opinion, to contradict and quarrel with Bonaparte about the charge of a criminal and impeachable nature against the President, but it was a duty which had especially devolved upon those whose honor and love of country are particularly implicated. He therefore conjured the majority, as they valued their own fame and their country's glory, to surcease, by one simultaneous impulse, all further opposition to the resolutions on the table. A deaf ear may be turned to this entreaty, but the day will not be long coming when they will bitterly regret it.

THURSDAY, June 17, 1818.

French Decrees.

The House resumed the consideration of the resolutions moved by Mr. WEBSTER, calling for particular information on the subject of the documents purporting to be a repeal of the decrees of Berlin and Milan.

Mr. FARROW proceeded and remarked that the honorable member from Virginia (Mr. SHERMAN) observed, that this Government had been wickedly involved in war with England. Mr. F. contended, that as war had been declared by the constitutional authority, that it did not now become the duty of the thirteenth Congress to inquire into the policy of the war; that, as to his part, he was not sent here for that purpose. But, as he understood, this session was called to provide ways and means for carrying on the war. Suppose, upon an inquiry, that it should be found that it was not the policy of this country to go to war. Congress cannot make peace; one nation can make war, but it requires two to make peace. Therefore, to go into the inquiry would be a nugatory act, and an unnecessary waste of time. He, therefore, moved that the consideration of the resolutions before the House be indefinitely postponed.

Mr. OAKLEY.—Mr. Speaker, the gentleman from South Carolina, in proposing this amendment, professed, and no doubt with great sincerity, a willingness to afford all the informa-

tion which is desired on the subjects embraced by these resolutions; but he seemed to think that the terms of the resolution, which he wishes to amend, are too particular to comport with the respect due from this House to the Chief Magistrate—as they appear to afford the ground of an inference, that to a call for information in a more general shape, he might be disposed to make an unsatisfactory or evasive answer. The gentleman seemed also to think, that the objects intended to be obtained by the words which he proposes to strike out, are substantially included in the second and third resolutions; and he further objects, that although all the information in the possession of the Government, as to the time at which the first intelligence of the decree of the French Government, of the 28th of April, 1811, was received, may properly be demanded by this House—still it would be unprecedented and improper to inquire as to the manner in which such intelligence was obtained, or the agents through whom it was communicated; or, at all events, that these things ought to be the subject of a distinct and future inquiry, if the answer of the Executive to the resolution in its general form should render such an inquiry important.

I am unable, sir, to discern in what point of view this resolution can be considered as disrespectful to the Executive. If particular information is required, particular inquiries must necessarily be made. It will be recollected by the House, that the resolution adopted near the close of the last session, on the motion of the honorable gentleman from Maryland behind me, (Mr. GOLDSBOROUGH,) and in reply to which the House received the information now in their possession, relative to the French decree in question, was in a more general form than that now under consideration. It is to be presumed that the Executive, in answer to that resolution, gave to the House all the facts which he considered as coming properly within its scope and meaning; and yet it must be perceived that his answer is wholly unsatisfactory, and that the necessity for the present resolution has grown out of the defective information then given to the House. It is proper, therefore, that this call should be precise in its terms, and that the attention of the Executive should be particularly directed to the points on which information is deemed important.

Nor, sir, can I agree with the honorable gentleman from South Carolina, that the second and third resolutions are calculated to produce the effect intended by the words which he proposes to strike out of the first. The object of the second resolution is to ascertain whether Mr. Russell has ever admitted or denied to his Government the truth of the declaration of the Duke of Bassano to Mr. Barlow. It will be acknowledged, that to a complete vindication of the character of the Administration, an explicit denial by Mr. Russell of the truth of that declaration is absolutely essential. And, sir, as to the

third resolution, it is equally important that it should be explicitly known, whether the Minister of France has ever made any communication to this Government on the subject of that decree. But it will be perceived, that the terms of the first resolution may be fully complied with by the Executive, without explicitly saying to this House whether such a denial on the one hand, or such a communication on the other, has ever been made. Facts, so important as these, ought not to rest on matter of inference from any general answer of the Executive, but they ought to be established by a direct and positive declaration.

To understand correctly the nature and importance of the subject now under discussion, it is requisite to bring into view the state of our relations with France and Great Britain, at the date of the decree of the 28th of April, 1811. I am not about to enter at large into the subject of the French decrees, and the British Orders in Council. It is not important here to do so; and, if it were, a due respect for the talents of eminent gentlemen who have gone before me, would deter me from travelling over ground so thoroughly explored. It would be more than vain in me to hope to present any new views of a subject so completely exhausted. It is sufficient for my purpose to state such facts respecting these decrees and orders, and the policy pursued by our Government in relation to them, as I have understood to be generally admitted.

The blockade of May, 1806, established by the British Government, although in the first instance considered by the present Secretary of State as a conciliatory measure, was afterwards alleged by France, and then by our own Administration, to be hostile to our neutral rights, and a direct violation of the laws of nations. France, claiming a right to retaliate, promulgated in October following the Berlin decree. To this succeeded, on the same alleged ground of retaliation, the Orders in Council, and to these the decree of Milan. Each of the belligerent powers thus rested the justification of its hostile edicts on the previous alleged injustice and wrongs of the other. Our Administration, though denying in terms the existence of this right of retaliation, yet in its acts and its correspondence seemed to recognize it. It labored hard to convince each belligerent, that each was the original aggressor, and, by a long course of humiliating solicitation and entreaty, it endeavored to induce each to take the lead in rescinding the edicts of which we complained. At length, by the act of Congress of the 1st of May, 1810, it was provided that whenever either France or England should so revoke her decrees or orders, that they should cease to violate the neutral rights of the United States, the President should by proclamation declare the fact, and that from thenceforth the act of non-intercourse should cease to operate against the power thus revoking; and that if, within three months after such proclamation, the other power did not

also revoke, the provisions of that act should be enforced against it. In this state of things a declaration was made by the French Minister of Foreign Affairs to the American Minister at Paris, on the 5th of August, 1810, that the decrees of Berlin and Milan were revoked, and would cease to have effect on the 1st of November following. The President of the United States considering this declaration as amounting to a repeal of these decrees, within the meaning of the act of the 1st of May, and implicitly confiding that that declaration would be fulfilled in good faith by the French Government, on the 2d day of November, 1810, published his proclamation announcing the fact that these decrees were repealed. A demand was made on the British Government to follow the example thus set by France. On the part of that Government it was contended that the declaration of the French Minister was not such a formal act as ought to be required by the United States, and that the French decrees ought to be revoked in a manner as authentic as that in which they were promulgated. That even if there were no objections to that declaration on that ground, if it was to be considered a repeal at all, it was clearly a repeal depending on a condition precedent to be performed by the United States, and that such a conditional revocation did not come within the meaning of the act of Congress. She therefore refused to revoke the Orders in Council, and the provisions of the non-intercourse act were revived against her by the act of the 2d of March, 1811.

On the 21st of April, 1812, by a declaration of the British Government, it was provided, that "if at any time thereafter, the Berlin and Milan decrees should, by some authentic act of the French Government, publicly promulgated, be absolutely and unconditionally repealed, then and from thenceforth the Orders in Council should be wholly and absolutely revoked." Mr. Barlow, then the Minister of the United States at Paris, having received this declaration, addressed a note to the Duke of Bassano, dated the first of May, 1812, in which is the following passage: "It is much to be desired that the French Government would *now* make and publish an authentic act, declaring the Berlin and Milan decrees, as relative to the United States, to have ceased in November, 1810; declaring that they have not been applied in any instance since that time, and that they shall not be so applied in future." By the letter of the 12th of May, 1812, from Mr. Barlow to the Secretary of State, we are informed, that in a conversation with the Duke of Bassano on the subject of that note, there appeared a "singular reluctance" on the part of the French Minister to answer it. In that conversation, we for the first time hear of the decrees of the French Government of the 28th of April, 1811. "When, in the conversation above alluded to," says Mr. Barlow, "the Duke first produced to me the decree of the 28th of April, 1811, I made no comment on the strange manner in which it had been so long

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French Decrees.

[H. OF R.]

concealed from me, and probably from you. I only asked him if that decree had been published. He said no; but, he declared, it had been communicated to my predecessor here, and likewise sent to Mr. Surrurier, with orders to communicate it to you." On the 20th of May, 1812, this decree was for the first time made known to the British Government. On the 18th of June war was declared by the United States. On the 23d of the same month the Orders in Council were repealed. On the 4th of November last, the French decree of the 28th of April, 1811, was first laid before Congress; and on the 3d of March last, the letter of Mr. Barlow to the Secretary of State, of the 12th of May, 1812, containing the declaration of the Duke of Bassano relative to that decree, was drawn from the Executive by the resolution adopted by this House on the motion of my friend from Maryland.

I have thus, sir, endeavored to give a concise, and I flatter myself, a correct statement of facts connected with the decrees and orders of France and Great Britain, and with the measures adopted by the United States in relation to them. From this statement, we shall not be at a loss to discover the import of the declaration of the Duke of Bassano, and the nature and extent of the charge which that declaration fixes on the honor of this country, and the men who administer its Government. Great Britain professed always, without doubt, until her declaration of the 21st of April, 1812, her readiness to proceed "*pari passu*" with France in a revocation of her edicts against neutral commerce. She called repeatedly for authentic evidence of the alleged repeal of the Berlin and Milan decrees. The decree of the 28th of April, 1811, constituted that evidence. On the supposition that that decree was made at the time it bears date, then has it been concealed, either by the French Government or our own, or by both, in concert, for the purpose of preventing the repeal of the Orders in Council, and thus cheating and betraying Congress and this people into the ruinous war under which we are now suffering. The declaration of the Duke of Bassano fixes this charge exclusively on the American Government. It is a serious charge, and well merits an examination of the grounds on which it rests.

Mr. GROSVENOR addressed the Chair as follows: Mr. Speaker, I cannot suffer the question to be taken without offering to the House my reasons for supporting the resolution. In doing this, sir, I, like the honorable gentleman from South Carolina, may become *warm*; yet as I can never admit that such warmth furnishes any license to him for personal attack, or improper language, so I shall claim no such license for myself, by condescending to imitate his example.

At the close of the last session, upon the motion of the honorable gentleman from Maryland, (Mr. GOLDSBOROUGH,) a resolution was adopted in the ordinary and general form—

Resolved, That the President be requested to cause

to be laid before the House the French decree, purporting to be a repeal of the Berlin and Milan decrees, referred to in his Message of the 4th of November last, together with such information as he may possess concerning the time and manner of promulgating the same," &c., &c.

This is the material part of the resolution. What was the reply to this resolution? A simple communication of the degrading accusation of the French Minister, and that only. Not one word of denial or of comment; not a murmur of resentment at the foul stigma which the Duke of Bassano had attempted to fix on the honor of the Executive and the character of the country. All information that the President "might possess relative to the time and manner of promulgating" the decree was refused or evaded; and thereby the blot on our national honor was rendered tenfold deeper and blacker.

Would these honorable gentlemen have us repeat an experiment which issued in such consequences? Would they again adopt a course which would again disappoint us and disgrace our country? No, sir, if this information ought to be obtained, this is the only form, the only manner to obtain it. We must tell the Executive without ambiguity and with precision, and and yet with every respect compatible with our duty, our objects, and our requests. If these resolutions pass, they must be met with satisfactory information, or with a refusal to communicate. The reply will rest with the President, and upon him be the responsibility for the form and substance of that reply.

Having disposed of the form of these resolutions, I will now proceed to their substance.

An instrument purporting to be a French decree, modifying or repealing the French Berlin and Milan decrees, so far as they violated our neutral rights, was communicated by the Duke of Bassano to Mr. Barlow, our Minister in France, on the 10th of May, 1812. This decree bears date the 24th of April, 1811. It had been concealed for more than one year from the time of its date. Mr. Barlow, conscious that the publication of the decree, at its date, would have saved this country from many evils, and astonished at its concealment, demanded of the Duke of Bassano whether it had ever been published. The Duke replied, that it had been communicated to our Minister in France, and sent on to Mr. Serrurier, to be communicated to our Government. If the Duke of Bassano stated the fact correctly, then our Government was guilty of concealing the decree. If he stated a falsehood, then his own Government is guilty of the concealment, with the full addition of duplicity and falsehood. Certainly, the charge of the French Minister implicated the honor and the honesty of the Executive of this country. It struck a blow at the integrity and honor of the Government. Yet the Executive has never publicly denied the foul accusation. It is to arrive at the truth in relation to this dark and alarming transaction, to acquit the innocent, and to hang the guilty up a detestable spectacle

to the Universe, that these resolutions are offered. Let me ask the House, let me ask the nation, is not the object laudable—is not the duty important and imperious?

I have said, if the French repealing decree had been made known to the Congress, to the American people, and to England, in the Spring of 1811, it would have prevented the present disastrous war. Permit me now to prove it. From the date of the President's proclamation down to the very declaration of war, our Government took the ground that the French decrees were in truth repealed, by the letter of the Duc de Cadore, on the 5th of August preceding; and upon this basis demanded the revocation of the British Orders in Council. Britain, denying, that Cadore's letter was any repeal or modification, demanded the instrument of repeal issued by the Emperor, as the only ground on which she would revoke her orders. Neither the French nor the American Government pretended that any such instrument was in existence; but the latter Government, deceived by the arts of the arch juggler, assumed the fact, and founded thereon hostile proceedings against England. If the decree had been published it would have been impossible that the vile deception could longer have been cherished by either Government, and Congress would have been forced by very shame to have retraced their steps, to have rescinded the proclamation, to have repealed the law of March, and to have placed the country on the same ground which she occupied in May, 1810. A war with England could not then have followed; unless, indeed, the Administration had been prepared openly to abandon all those principles of "national honor, national independence, national justice," and national policy, which they had adopted in the session of 1808.

Yes, sir, even though the British orders had remained unrepealed and unmodified, the publication of that decree would have cut the "Gordian knot," released this country from the toils of the tyrant, and have averted, perhaps for ever, this unnatural war. But suppose in this I am mistaken, yet have we not every reason to believe that if the French repealing decree had been known to England, she would have modified her Orders in Council, and continued peace would have been the consequence? Surely it is preposterous to pretend, if those orders had been revoked, that yet war would have been declared. The very reverse is proved by all the acts of our Government. In the Message of the President, at the commencement of the war-session of Congress, the "Orders in Council" are the burden of the complaint—impressment is not even mentioned. In all the correspondence between the two Governments, which preceded the war, the "Orders in Council" constitute the great topic of discussion.

In the correspondence which commenced between Mr. Foster and Mr. Monroe, on the 30th of May, 1812, and continued almost daily, down to the very declaration of war, the repeal of the

Orders in Council was the only subject of discussion—and that alone was demanded, as a *sine qua non* to a restoration of a friendly intercourse. Impressment, though always a subject of difference between the two nations, had never been by our Government for a moment considered as a sufficient cause of war. Hence, in the arrangement with the British Minister, Erskine, not a word is said, not a stipulation made on that subject. Hence, in all the correspondence which immediately preceded the war, the subject of impressment is rarely if ever mentioned; and hence, in this House and the Senate, the act declaring war passed upon the sole but delusive ground that France had modified or repealed her decrees, and that England had refused to revoke or modify her Orders. Let me appeal to the members of this House who voted for the war. Would they have dared to have done that deed upon the subject of impressment alone? I am sure they would not—I speak not from personal knowledge—I speak from all that preceded, that accompanied, and that followed that dreadful measure. The subject of impressment was never swelled into that hideous form it now wears; it never became "a dog of war," until when the Orders in Council were revoked, and an armistice demanded by England, it was dragged forward to repel the demand and to justify the Administration for "wading deeper and deeper in blood." But let gentlemen on this floor answer what they will of this, I am certain the people of this country would never have joined in the quixotic expedition. The cant of "free trade and sailors' rights," heard only in the woods of the West where no trade exists, and no sailors are to be found, could not have drowned the voice of commerce, of agriculture, of justice, and of peace. Let gentlemen on this floor answer what they may, I tell them they could not, they durst not have plunged this nation into war if the British Orders in Council had been repealed or modified. But those orders would have been repealed or modified if the French decree had not been concealed.

On this subject no doubt can exist. And never was I more astonished than when I yesterday heard the honorable gentleman from South Carolina (Mr. CALHOUN) deny this position. Upon what grounds does he place this denial? First upon the letters of Mr. Foster to Mr. Monroe, which preceded the war. Sir, that correspondence I have perused, and a more singular, equivocal, weak, and indistinct correspondence I have never seen. It is undeniable, that in some paragraphs of Foster's letters, abstracted from the residue, something like the position of the honorable gentleman may be found. But even these, abstracted from the rest, are declared by Mr. Monroe himself to be equivocal. The whole correspondence clearly proves that Mr. Foster never intended to declare, and never did definitely declare, that if an authentic instrument repealing the French decrees, so far as they violated the neutral com-

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meroe of America, should be produced, England would not revoke her orders in a similar manner. On the contrary, he throughout disputed even the partial repeal of the French decrees; and says the question whether England would revoke as to America, was premature, and could be discussed to no purpose until America should produce an authentic instrument of repeal.

And now, let me appeal to this House and to the people of America—if this decree was communicated to Mr. Russell in April, 1811, and by him suppressed, he merits and shall receive the everlasting execrations of his country. If either by Mr. Russell or the Minister Serrurier, it was communicated to Mr. Monroe, and by him concealed from the Executive, is there a niche in the temple of infamy sufficiently infamous for him? But if, by any means, the decree came to the knowledge of the President; and if he, either through a paltry fear of proving his proclamation false, or from any other motive, buried it in darkness, and thereby delivered that country, which, by every bond human and divine, he was bound to protect, over to all the miseries of an unnecessary and bloody war, what maledictions can suit his conduct; what new and horrible punishment is commensurate with the bloody crime? Sir, the President is old, and the reproaches of man may concern and move him but little. But he must soon appear at the bar of Immortal Justice. If he has done this deed, how will he stand appalled before the accusing spirits of youth “untimely slain in battle?” How will his soul recoil from those bloody ravages, that wide devastation, that mass of human misery, which his own guilty conduct shall have produced?

Shall I be asked, if I believe the Executive has done this guilty deed? I answer frankly and sincerely, no. However poorly I may think of the political character and conduct of the Executive, I do not believe him capable of a crime of such complicated wickedness; combining all the blackest attributes of official turpitude, murder, and treason. But, sir, my belief or disbelief has nothing to do with the subject. It is not to satisfy myself alone, that I press this call—I have a more exalted motive. I stand on higher ground. The honor, the purity of my native country, is shrouded in darkness. Sir, national honor is a plant of peculiar growth; it can live and flourish only in the broad blaze of day; cover it with clouds and darkness, it withers and dies. The honor of my country cannot long survive amid the dark and pestilential vapors which hang around it. To disperse those clouds and vapors, to restore it to the genial beams of day, that America, Europe, and the world, may again behold it bright and unshaded; to frown contempt on the bloody despot who has striven to stain and destroy it—these are the objects—these I fondly hope will be the effects of this measure.

Has this House considered the black and hideous aspect which this subject now presents to the American people? Has it reflected that,

at this moment, the foul accusation stands before this people and the world, uncontradicted, unexamined, unresented? If it is suffered thus to remain in mystery, its truth will soon be considered as established, and the stain on the American character so deeply fixed, as to defy every effort to wash it away.

Sir, examine for a moment the circumstances of this dark affair. I have said that, from the date of the letter of the Duke of Cadore, from August 5th, 1810, down to the 20th of May, 1812, the British Government invariably refused to give credit to that letter, as a repeal or modification of the French decrees. That Government declared the letter false and jesuitical, and invariably demanded some authentic instrument of repeal, issued by the French Government itself. For such an instrument, our Ministers in France had importuned the Emperor, always without success, until, on the 10th of May, 1812, Mr. Barlow prevailed, and the decree of the 28th of April, 1811, was produced.

And here permit me to read a short extract from the letter of Mr. Barlow to Mr. Monroe, bearing date the 12th May, 1812. In this letter is contained an account of the ignominious attack upon the honor of the Executive:

“When, in the conversation above alluded to, the Duke first produced to me the decree of the 28th April, 1811, I made no comment on the strange manner in which it had been so long concealed from me, and probably from you. I only asked him if that decree had been published—he said no, but declared that it had been communicated to my predecessor, here, and likewise sent to Mr. Serrurier, with orders to communicate it to you. I assured him that it was not among the archives of this legation; that I never before heard of it,” &c.

Had the vile accusation been promptly contradicted, no doubt would, or could have remained, as to the truth or falsehood of the charge. But by a strange fatality, every act of the Executive and of his Ministers and agents, has tended strongly to confirm its truth. Did Mr. Barlow contradict it? No; he simply declared, that he “never before had heard” of the decree. Has Mr. Russell, the “predecessor” of Mr. Barlow, ever publicly denied it? No; he has been well contented that his honor should remain stigmatized by the black accusation.

FRIDAY, June 18.

French Decrees.

The House resumed the consideration of Mr. WEBSTER's resolutions respecting the French repealing decree.

Mr. GRUNDY rose, and addressed the Chair as follows:

Mr. Speaker, knowing that Congress had been convened at this time for the express purpose of providing an adequate revenue for the prosecution of the war in which our country is engaged, I did believe that a discussion not immediately connected with this subject should

have been avoided; but, as the Committee of Ways and Means are not yet prepared to act on the bills reported by them, that time may not be entirely lost which is given to the examination of points which have been introduced into this debate.

The motion before us is to postpone indefinitely the consideration of the resolutions on your table; in other words, to reject them; to this I am opposed. I shall vote for them, and if modified in an inconsiderable degree, shall do so with pleasure. In doing this I shall be governed by reasons entirely different from those which have been assigned by gentlemen who have preceded me. I shall vote for them to do away the effect which has been produced, and may again be produced, by the misrepresentations of the friends of that fast-anchored isle, which, according to the opinions of some gentlemen, has done us no essential injury; I shall vote for them, that the friends of that nation which is styled by some the bulwark of our holy religion, may not mislead any portion of the American people. I shall vote for them that the advocates of that nation which is said to be fighting the battles of the world may not have it in their power to weaken the arm of this Government in its present contest with a foreign power. These, sir, are the reasons on which I act, and not because I believe their adoption necessary to vindicate the honor of the Government or the character of those who administer it. The reputation of this Administration stands on a basis too solid to be shaken by any statement which the Duke of Bassano has or can make; and had not these new guardians of the Executive honor (Messrs. WEBSTER, OAKLEY, and GROSVENOR) been more sensitive than its old friends, no measure of this kind would have been deemed necessary. As this however is the first effort in their new vocation, so far as depends on my exertions, they shall be indulged and gratified. I have already said, that I shall vote with gentlemen on the other side of the House for reasons very different from their own. Were I at liberty to speak of motives, I would undertake to show that in these we differ no less than we have already in the reasons avowed. It has been alleged by those who have advocated these resolutions, that if an authentic document containing the decree of the French Government, bearing date the 28th day of April, 1811, and which so modifies the decrees of Berlin and Milan as to exempt the United States from their operations, had been furnished to the British Government before the declaration of war, that the Orders in Council would have been revoked, and thereby war would have been avoided. If I have mistaken the position which gentlemen have laid down as the basis on which their whole argument is founded, I beg now to be set right. [Mr. GROSVENOR, of New York, stated that Mr. GRUNDY had not mistaken their meaning.] Mr. GRUNDY then proceeded—Then, sir, we are at issue: I deny the position laid down, and aver that the British Cabinet would

not have repealed the Orders in Council, had a copy of the French decree of the 28th of April, 1811, been communicated previously to the declaration of war. I shall not follow the example which has been set by the gentleman from New York, (Mr. GROSVENOR,) I shall not quote from memory the evidences on which I rely. I will not expose myself to that error into which others have fallen by trusting to their recollection, when referring to documents in their support. I have these documents before me, and will show from them that Great Britain required, as the condition on which she would revoke her Orders in Council, that the French decrees of Berlin and Milan should previously be rescinded, not as to the United States only, but as to all neutral nations. If this be done, gentlemen must be driven from that ground which they have occupied with so much ostentation; for it will be recollected, that the French decree merely withdraws from the United States the operation of the Berlin and Milan decrees, and leaves the decrees themselves in full force against all other neutrals. The Prince Regent, in his declaration of 21st of April, 1812, uses the following language when speaking of the Orders in Council:

[Here the documents referred to were read.]

Mr. Speaker, I feel humbled and abased that it has become my duty to quote the authority of the Prince Regent and the British Ministers, against the Representatives of my own country. I am mortified to hear doctrines advanced here in behalf of the British Cabinet which the British Ministers never avowed, and which they would not avow were they present and entitled to be heard on this floor. Sir, they would not dare to do so—their own words would confound them. I do hope, sir, that gentlemen who are still determined to persist in opposition, will take some other ground on which to rely; for it surely adds nothing to the honor of this country or to their individual credit to advance and advocate doctrines which the British Ministry would be ashamed to own.

Sir, unless I am altogether mistaken in the meaning of the plainest terms—unless the English language is entirely unintelligible to me—the point is sufficiently established, that the British Government would not have revoked the Orders in Council, had a copy of the French decree, modifying the Berlin and Milan decrees, been presented to them; and the gentlemen on the other side of the House must be constrained to abandon the ground they have relied on; and here this debate might close. For, although the French decree is made the pretext for the repeal of the Orders in Council, every man acquainted with the political state of the two countries must be satisfied that it was the suffering condition of the British manufacturers, united with the apprehension of an American war, which produced that change in British policy which did take place.

Sir, I felt some astonishment to hear the member from New York, (Mr. GROSVENOR,)

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who had no seat in this House when war was declared, who was not even in this city at that time, state with so much confidence in what events the war would or would not have taken place. If the public documents are referred to it will be seen, that the impressment of our seamen was considered as a principal cause of the war. In the Executive Messages of that session, in the Reports of the Committee of Foreign Relations, it will be seen that the language of freemen was employed, the liberty of the citizen being deemed more valuable and precious than his property. I was one of those who voted for the war, and ought to be presumed to know something of the opinions and sentiments which prevailed at that time, and yet I feel no hesitation in saying, that no man can pronounce what would have been the course pursued, had the Orders in Council been revoked. I have heard many members say they would have voted for the war had the Orders in Council been previously abandoned—I have heard others say they would not; and yet the gentleman from New York (Mr. GROSVENOR) affects to speak with great confidence and precision on this subject. There are two reasons why this honorable gentleman should have been less confident in his assertions. In the first place he was not present when the war was declared; in the second, he belonged to the opposition, and would not, on that account, have been so freely communicated with by those who supported it.

Sir, I wish gentlemen clearly and distinctly to answer me this question—Will they give up the principle of impressment? Will they suffer the petty officers of the British Navy to seize at their pleasure American citizens, force them into a foreign service, and compel them with stripes to fight the battles of the enemy, even against that country which gave them birth? If so, let it be known to the people—let it be proclaimed to this nation of freemen—and let the line of distinction be drawn between those who will and those who will not submit to this tyranny of “the mistress of the sea.” Gentlemen have indeed said that they will not fight for the question of impressment. But will they surrender it? Will they yield this point to the King of Great Britain? Will they say that the slaves of George the Third have a right to seize and drive into captivity the freemen of the American States? I demand an answer—yea or nay. There is no difficulty in understanding the question. The gentleman from New York, (Mr. GROSVENOR,) in adverting to the correspondence between Mr. Monroe and Mr. Foster, affects great difficulty in understanding its meaning. I cannot see wherein this difficulty lies—the language is plain, void of ambiguity, conveying distinct ideas, in clear and unequivocal expressions. The same gentleman has the modesty to tell you that Mr. Monroe and Mr. Foster did not understand the meaning of the words *actually* and *unconditionally*. What, sir! your Secretary of State,

who has visited, in the character of an American Minister, nearly half the Courts of Europe—he whose literary acquirements have done honor to this nation, not understand the meaning of the common English words *actually* and *unconditionally*! Mr. Foster, too, the accredited Minister of the “fast-anchored Isle,” sent by the British Government upwards of three thousand miles to negotiate upon delicate and difficult points, is charged with the like ignorance. Sir, the gentleman who introduced these resolutions, (Mr. WEBSTER,) if he has ever read his namesake’s spelling book, (and no doubt he has,) can readily expound them. Even a school-boy can tell you their meaning. I feel no great solicitude or tenderness about the reputation of the late British Minister, but surely he ought not to be subject to this imputation.

In one idea advanced by the opposition, I perfectly concur: if the Executive had received a copy of the French decree previous to the declaration of war, and had withheld it from the British Minister, I should say he deserved the execration of his country. The honorable gentleman who has manifested such critical skill in language might have drawn its character in terms of blackest import, and I would subscribe to it; but I know, with moral certainty, that the answer of the President will dissipate every idea of that kind—it will show, that, in the whole of this transaction, he has conducted with fairness and uprightness, and from a desire to prevent a conflict between this and any other nation. Yes, sir, he has acted in obedience to honorable feelings, to which many who implicate him are entire strangers.

Having answered all the observations of others which are deemed material, I will make a few inquiries of the honorable mover of these resolutions (Mr. WEBSTER.) He certainly best knows the objects intended, and I pray him to answer for himself, and not by proxy. Is it his object to make it appear that the Duke of Bassano has been guilty of falsehood? If that shall turn out to be the case, what then? Will he make it a ground of going to war against France? Great, indeed, are the insults and injuries which we have received from the French Government, and much noise has the Opposition made respecting them; but, sir, when my friend from Kentucky (Mr. McKEE) offered a proposition to declare war against France, did the gentlemen on the other side of this House vote for it? To the best of my recollection, three of them voted for the measure—a majority of votes in favor of the proposition were given by this side of the House. He will not, I apprehend, say that he will go to war with France on this account. Is it intended to predicate any legislative act on the information which may be received from the Executive? I can conceive of no legislative act which can grow out of it. What, then, do gentlemen mean? What can be the object of these resolutions? To make it appear that France has acted with bad faith, and yet neither go to war

nor pass any legislative act in consequence of it? I can see but one thing which gentlemen can promise themselves to follow from this course of proceeding. They may hope by this to throw new difficulties in the way of the Administration, to draw off the attention of the people from the prosecution of the war, paralyze the national energies, and multiply the chances of getting new men into power. If this be the object, the gentleman may please himself with the idea of having labored for the good of his country; but sure I am that the country can derive no benefit from such a course, however great his labors may be.

Mr. SHIPARD addressed the chair as follows:

Mr. Speaker, after the very able manner in which the subject under consideration has been discussed, by my honorable friends on this side of the House, I cannot hope to do more than glean the trifles which they have left me.

The honorable gentlemen on my left are opposed to the resolutions before the House; and in order the more effectually to combat them, have introduced topics of discussion wholly extrinsic and foreign from the proper subject of debate. Sir, in my opinion, they have lost sight of the question, and unnecessarily drawn into dispute what they call the merits of the war, and the demerits of one of the great political parties of this country.

Why, sir, all this zealous opposition to the adoption of these resolutions? Do they fear that a disclosure of the truth may injure the reputation or feelings of the President? Do they fear, if the veil should be rent asunder, which has so long concealed this dark and mysterious transaction, that it would appear to us, the American people, and the world, that the Executive had been a *traitor* to the dearest interests of that people, whose mistaken partiality had invested him with the honorable badges of exalted office? If they do, sir, I pity their timidity, and blush for them; but I hope they have no such fears. I sincerely hope the Chief Magistrate of this great and once honorable nation, has not sunk to such an abominable depth of corruption, as to conceal a public document of such importance as the decree of revocation of the 28th of April, 1811. A document, had it been timely promulgated, would have promised to hush the bickerings and contentions between us and Great Britain, to prevent a bloody war, to have enlivened and invigorated our fainting commerce, and restored our long lost prosperity.

It really appears to me, sir, that the gentlemen pay your President a very ill compliment in opposing the resolutions; for, should they succeed in that opposition, some might say that he and his friends dreaded the unmantling the truth; that they feared to see it stripped naked.

Sir, I submit to the House, to the gentlemen themselves, upon reflection, the question, if there would not be good cause of suspicion, that there had been an improper concealment of this paper, should the resolutions be voted down?

I have ever entertained some vulgar notions, that a frank and prompt disclosure of that which was proper to be disclosed, was a sort of presumptive evidence of integrity. And that an honest man would not wait to have the truth drawn from him as from the felon under examination, but would volunteer what a moral and political obligation required him to make public. I have supposed a certain kind of mysterious shrinking from the light, in public officers, in relation to official conduct; a rolling up in shade and secrecy transactions which the public wishes loudly demanded to be explained, was no very fair earnest of future good faith and honest dealing; or any very satisfactory proof that what had been done must necessarily be agreeable to the public sense of what ought to have been done. I have supposed, sir, that the honest and faithful steward would rather court than shun an inquiry into his stewardship; and, fortified with conscious integrity, would, at all times, be ready to exhibit his accounts, and prove himself trustworthy; and more especially when suspicion had hovered over him and perched upon him. I should really think he would be unwilling to slumber away, year after year, with such a bird of prey devouring his reputation, but that he would instantly arouse himself, and with manly and heroic dignity drive her from her perch.

Sir, the gentleman from South Carolina (Mr. CALHOUN) has admitted that there is guilt somewhere; either that the decree of 28th April, 1811, was concealed in the French Cabinet, or by our President, or that it was ante-dated.

Now, sir, whether the one or the other of the positions be true, no gentleman will venture to assert, is immaterial. I fear no contradiction when I make the assertion; for such a contradiction would be of so rare a nature that few, if any, gentlemen will be ambitious first to introduce it. It would be saying, at least, that it is a matter of indifference to the American people, whether their Chief Magistrate has been dabbling in the pollutions of French policy and French intrigue,—whether he has been ignorant of, or criminally concealed, a document, which, if it had been disclosed, would have saved him from suspicion, and the nation from the horrors of war.

It would be saying, sir, that we have no interest in knowing whether Mr. Russell, our late Chargé d'Affaires in France, performed his diplomatic duty with integrity or not: whether he sold his country for Imperial smiles, or guarded her interests with scrupulous vigilance.

It would be saying that it was a matter of indifference to us whether France was acting with good faith in her correspondence with our Government, or whether we were made the dupe of imposture. Sir, if it would be correct to say all these things, then I admit that the resolutions are idle, and we are spending our time in vain; but if they are not correct, then it must create some surprise, that gentlemen who love their country with such amazing and

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exclusive warmth of affection, who discover so much zeal for her honor, should oppose with a spirit bordering on frenzy, measures which it must be seen are calculated to favor her best interests, and heal her wounded honor.

Sir, I consider it a duty we owe Mr. Russell, the Executive, and the nation, diligently to inquire into this matter, and, if possible, to fix the guilt and odium upon the right man.

If Mr. Russell is innocent let him be put to the test, and acquitted before the world. If the President is innocent, it would be the height of injustice to him not to give him an opportunity to brush off the suspicions that have gathered upon him. If either or both of these gentlemen are guilty, we wrong our country if we do not awake from its slumbers this monster of sin. If the Emperor of France is guilty, (and really I can never suppose him otherwise,) it becomes highly interesting that the world should know the fact; that they should know how much confidence is to be reposed in the Imperial decrees of our *loving friend*, this cut-throat Emperor.

Will the gentleman say there is no cause of suspicion against the President? Sir, I cannot divest myself of a belief that all is not right in the Cabinet in relation to this affair. And I have been led to believe this, from a variety of suspicious circumstances which have been thickening and gathering upon my mind since the proclamation of the President of November 2, 1810, which emphatically declared that the decrees of Berlin and Milan were repealed.

Was this proclamation true? No, sir, it was false, and from the date of that proclamation, until the promulgation of the long-slumbering, repealing decree, purporting to bear date April 28, 1811, the French Emperor particularly charged upon the President this falsehood. He, the Emperor, after the date of that proclamation, and after he must know of it, declared his decrees of Berlin and Milan to be a part of the laws of his Empire. Not only so, but the ocean from time to time was illuminated with the conflagration of our vessels, burned avowedly by the authority of the Emperor, and in pursuance of those decrees which our prophetic Chief Magistrate had declared to be repealed. Never was falsehood more evident! Mathematics cannot produce more certain demonstration.

Sir, I do not mean here to charge upon the President wilful and corrupt falsehood; but the least that can be said is, that he had been cheated, he was too proud to acknowledge it, and too much ensnared in the toils of his mighty friend to demand satisfaction.

Sir, I will not charge any misconduct upon our Administration without proof. I do not here mean to charge them with any thing artfully committed; but I do mean to be understood that the facts before the American people are strong evidence upon my mind, and I believe upon the minds of thousands, that there is much in our intercourse with France, which decisively demands of the Executive prompt

and unambiguous explanation—that the honor of the nation, and the honor of the President, loudly demand it. I do mean to say that, unless this explanation is given, we have a right, indeed it is our duty, to withdraw our confidence from all concerned in the transactions. How, sir, can gentlemen hang their confidence upon the integrity of the Executive, if ultimately no reason shall be given for transactions which are irresistible presumptions to the candid mind, that the dearest interests of our country have been made subservient to the base intrigues, the ambition and malignant passions, of the greatest monster of depravity that ever waded to a throne through blood?

Sir, the President has been charged with falsehood by the Emperor of France; he or his Ministers have been charged with secreting—wickedly secreting—a very important document, in the disclosure of which the people of this country were deeply concerned; and if he has done so, the gentleman from Tennessee (Mr. GRUNDY) admits “he ought to be held up to the execration of mankind,” and yet, say some gentlemen, it is a matter of total indifference to us to know whether these charges are true or false.

For one, I never can be reconciled to consider it as a matter of indifference; and I entreat gentlemen to give the President and Mr. Russell an opportunity to deny this foul charge, and, so denied, the nation must and will believe them.

Let them deny it, and brand the infamous falsehood upon the Duke of Bassano. And I do not hesitate to say, if the President and Mr. Russell will disavow the truth of the statement of that Duke to our Minister, Mr. Barlow, they will be believed; for one, I would believe them, in preference to all the mushroom Dukes and Emperors that have grown into power in that Government, whose least vices are falsehood, imposition, and fraud.

Sir, the gentleman from South Carolina (Mr. CALHOUN) asserted, that “if the Orders in Council had been repealed, yet we should have had war. The impressment of our seamen was a sufficient cause, and for that would they have declared it.” Now, sir, much as I respect that gentleman's talents and integrity, in this instance I must believe he is mistaken. For I will not believe that the Administration would have been given up to such fatal infatuation, such a bewildering, deadly *mania*, that they would have been so incurably mad as to have plunged this nation into a war on a point, in principle, the most inconsiderable in controversy, without making one more effort, at least, to an amicable adjustment of differences.

Mr. GASTON said that when he entered the House that morning, he had no expectation of taking a part in this debate. He was perfectly conscious of the disadvantages under which he must appear, in attempting, without the benefit of previous reflection, an examination of the argument contained in the extraordinary harangue of the gentleman from Tennessee; an

harangue evidently studied and elaborate. But as the question had been called for; as no other gentleman seemed disposed to occupy the floor; and as part of that argument demanded notice, he felt it his duty to claim the attention of the Chair for a few minutes. However unequal the contest, yet in the cause of truth, and of the best interests of his country, he could not hesitate to engage in it. Provided those were advanced, he was little solicitous as to the light in which he might appear.

The gentleman had occupied no inconsiderable portion of the time of the House, with invectives against those who had discouraged loans and enlistments. To the part of the country, said Mr. G., which I have the honor to represent, such invectives are without the possibility of application. With us loans and enlistments have been considered as acts purely voluntary, in which every individual has been left free to pursue his inclinations. Indeed, in these days of distress, few of us have been able to lend, and the temptations to enlistment have not been strong enough to carry off many beside those whom all are willing to part with.

The gentleman has also indulged himself in insinuations, where more seemed meant than met the ear, of a disposition to take the part of Great Britain, and of prepossessions in favor of the enemy. These, he has indeed said, were not designed to apply to any gentleman occupying a seat on this floor. My experience, sir, has been too limited to enable me to ascertain whether I owe this exemption to the gentleman's sense of justice, or whether I am to consider it as a mere form of parliamentary decorum. In this state of doubt, as to the precise meaning of the gentleman, I will content myself with saying, that any charge of partiality to the cause of the enemy, as contrasted with that of my country, so far as regards me, would be utterly untrue. The bare supposition of it is intolerable. It will not be deemed egotism, I trust, to add, that baptized an American in the blood of a martyred father; bound to my native land by every moral and natural tie that can fasten on the heart of man; with not one motive of interest, of passion, or prejudice, to seduce the loyalty of my affections; never can I separate myself from the cause of my country, however that cause may have been betrayed by those to whose care it was confided.

Without commenting on the delicacy of the course which the gentleman has in this respect pursued, its art and address are sufficiently obvious. It reminds me of the mode of escape which naturalists inform us is observed by the cuttle-fish in time of peril. When his adversary is fast gaining upon him, and destruction seems inevitable, he muddies the water through which he glides, and finds safety in confusion. Thus it is with the gentleman from Tennessee. He would escape from this discussion; he would elude the inquiry, how far we owe this war to French imposition, by raising a tumult about British predilections and British arguments.

But the stratagem cannot take. No gentleman will suffer himself to be diverted from the investigation which these resolutions fairly suggest; and such inquiry, deliberately pursued, must terminate in the discovery of the necessary, though melancholy truth.

Mr. G. remarked, that whatever might be the issue of the resolution, he cordially congratulated the nation that they had been introduced. It was due to the national honor, always involved in the honor of the national agents—and it was due to the best interests of the country, that the mystery which enveloped this subject should be dissipated.

A formal authentic decree of the Government of France, bearing date the 28th of April, 1811, and purporting to be an absolute retraction of the Berlin and Milan decrees, was exhibited by that Government to our representative Mr. Barlow, in May, 1812. On his expressing surprise at the decree, and its ancient date, the French Minister assured him that this decree had been communicated to his predecessor, Mr. Russell, and had been sent on to the French Ambassador at Washington, with orders to lay it before the President. This information from Mr. Barlow was given to this House at the close of its last session, in consequence of a call on the President for intelligence about our relations with France; and it came without any explanation, comment, or denial. On all hands it must be admitted, that a shameful fraud has been somewhere perpetrated. The reputation of the nation demanded that this fraud should be placed to the account of those who had committed it. Upon this imposture he, in his conscience, believed the war had turned. Nothing can be more important to the future safety of the people, than to learn how and whence this calamity had befallen them. Mr. G. declared himself, also, highly gratified with the liberal and manly course which had been pursued by the mover of these resolutions, and his honorable associates. The resolutions had not been introduced at an early day after the sessions because of the wish that an opportunity would be taken or made, by the Administration or its friends, to give the desired intelligence without a call from this side of the House. It was notorious that the public voice demanded a communication. A general curiosity pervaded the country to learn how it was that this decree of 28th April, 1811, had remained unknown here until after the declaration of war, and unknown in England until it was too late, by a repeal of the Orders in Council, to prevent a war. The public sensibility was alive in requiring full assurance that the charge of the fraudulent concealment of this decree—a charge which the French Minister of Foreign Affairs had advanced against our Government and its agents, was not true. Under these circumstances it had been hoped that the task of seeking this information would not be thrown on those who, although they would yield to none in regard for the honor of the

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nation, or for the honor of its Government, as such could not be presumed to feel a very intense interest in the personal reputation of those who administered its affairs. Mr. G. declared, that for one he had indulged this hope, and had openly expressed it to gentlemen attached to the Administration. It was not until time had shown that nothing would be done from that quarter, that the resolutions in question were presented. The same liberal motives which had delayed their introduction, governed in the course which had been afterwards pursued. Day after day was given before the motion was called up, that all who doubted might examine into its propriety. And when the attention of the House was at length claimed to this subject, all discussion was purposely forborne on the part of the mover and his associates, (under the presumption that a mere call for information would not be resisted,) until such discussion had been rendered unavoidable, by the invitation and defiance of its opponents. Such conduct on the part of a minority, Mr. G. believed, was not often witnessed. It evinced a magnanimity which he was proud to behold, and which augured well to themselves and their country.

A position, said Mr. G., has been taken by the friends of the proposed resolutions, which has given great dissatisfaction to the advocates of the Administration, and against which all the force of assertion and of argument has been directed. No proposition can be more completely established. It is supported by evidence little short of demonstration. The proposition is this, that had the French repealing decree of the 28th of April, 1811, been promulgated at the time of its date, or at any time before the fatal resolution had been taken, to plunge this once happy country into war, it would have averted this dire calamity. Gentlemen in vain attempt to put this question to rest, in vain forbid this position to be taken. It is taken, and it will be maintained with all the obstinacy of right in the face of the nation, and in defiance of every effort that can be used to expel us.

It is not my design to proceed step by step through all the documents which are supposed to be connected with this subject. Few employments can be more stale, flat, and unprofitable, either to the speaker or to the hearer. Indeed, sir, however it may be with others, I am weary of documents. They are so multiplied as to involve every object in obscurity, and to afford to every man, who knows how to wrest a sentence from its plain meaning, a text on which to preach a political sermon, according to his own fancy. I am sick of these documents, because their perusal too plainly shows, what is not unfrequent in private controversies, that we have been written into a war. But it is necessary to take a rapid comprehensive view of the state of our foreign relations, and of our course of policy in regard to them, for a few years before the date of this suppressed decree. This will enable us to ascertain the effect which its promulgation would have produced.

The Berlin and Milan decrees were permanent parts of a gigantic system, invented by Napoleon for the destruction of his adversary. The avowed object of this system was to establish a code of maritime laws, in support of which every commercial nation was to be arrayed in a confederacy, whereof he was to be the Protector, Legislator, and Judge. Of this code the elementary principles were, that the neutral flag should protect all that it covered; that arms and munitions of war should alone be deemed contraband; that fortified places could alone be blockaded; and that no blockade was effectual which was not also a siege. Great Britain was to be deemed an enemy of the human race, and cut off from human intercourse, until she acknowledged the new Napoleon code. The nation that declined to accede to this confederacy, was viewed as the ally of Britain, and subjected to the most rigorous and barbarous usages of war. Her ships were burnt on the ocean, and confiscated in port; her property plundered wherever found; her citizens made prisoners, and her territories invaded.

Britain refused to acknowledge this code; and, professing to retaliate on France the consequences of her own insolence, issued orders prohibiting neutral intercourse with a part of the French dominions so long as France enforced these monstrous decrees. These she proudly declared should last while the decrees lasted. In the revocation of them she would proceed step by step with the repeal of the decrees. It is foreign from my present purpose to inquire how far the retaliatory plea had any foundation; or if founded, whether it went in justification or mitigation only, of the attack on neutral rights. What was the ground taken by our Government? On this point there cannot be mistake. The celebrated report of the Committee of Foreign Affairs, of November, 1808, unquestionably approved by the Executive, and by both branches of the Legislature, for on it was founded the law of non-intercourse with France and Britain, shows it fully. France and Britain were viewed as equal aggressors on our rights. The wrongs of both must be resented, and equally resented, or the wrongs of neither. Any measure of hostility against one, either through the medium of commercial or of actual warfare, not levelled also at the other, was pronounced to be submission. I do not say that the ground taken was correct. On the contrary, I am convinced that it was false in fact, and erroneous in principle. But it was the ground deliberately taken by the concurrent voice of every branch of the Government, solemnly proclaimed to the world as the true American ground, and which, in theory at least, has never yet been abandoned. The act of May, 1810, was an explicit reassertion of the principles of the report of 1808. It refused to resent immediately the wrongs of either belligerent, but pledged the faith of the Legislature, (an idle, rash, unconstitutional pledge!) to become the enemy of that one which should persist in injustice, after the other

should have returned from the evil of her ways. If either should cease from the violation of our neutral rights, and, on three months' notice of the fact, her rival enemy should refuse to imitate the praiseworthy example, then by an interdiction of all trade with her ports, or in her productions, the obstinate foe was to be punished. This law afforded a fit opportunity for French juggling. The famous letter of the 5th of August, 1810, of the Duke of Cadore, purported to be founded upon it. This letter announced a revocation of the Berlin and Milan decrees, which were to cease to have effect on the first day of November following, upon one or the other of two conditions—the renunciation by Great Britain of her maritime doctrines, “her principles of blockade;” or an enforcement by America against Britain of the interdiction of intercourse.

This equivocal promise was pronounced by our Executive an actual repeal of the obnoxious decrees; and Britain was demanded upon the fact of such repeal, to comply with her engagement, to revoke her orders alleged to be retaliatory. This demand was resisted upon the ground that the latter, instead of repealing, re-affirmed the decrees, the sole objects of which were to compel Britain to renounce her maritime rights, or neutral nations to withhold communication from her. Facts were asserted, and brought forth on each side, in support of the respective constructions given to this Delphic letter. At this time, and during this conflict of expositions in the interpretation of the French Puzzle—a conflict which had it not been followed by consequences the most serious, would have been indeed ludicrous—let us suppose that the appealing decree of April 28, 1811, had made its appearance, as by its date it ought to have done. It must have entirely changed the state of affairs. It must have silenced the controversy as to the construction of the infamous Cadore letter, while it established what was then the fact. It must have forever severed the fatal alliance which the President's proclamation had made between the law of May, 1810, and this pretended repeal of the decrees on the 2d of November. And, sir, whether it had been followed by a corresponding revocation of the British orders or not, it would, in all human probability, have prevented this calamitous war. Would it have been followed by a corresponding revocation of British orders? It is not given to man to pronounce with certainty upon any event which has not happened; but, if it be possible to arrive at truth by inferring, from what did take place, what would have taken place, had the same causes been brought into earlier operation, there is no reason to doubt but that such a revocation would then have followed. This decree of the 28th of April, 1811, however insulting to the American Government in giving it the lie in the face of the world; and however, in other respects, the detestable reverse of what ought to have been desired, was a formal and absolute abrogation of the obnoxious edicts as

regarded the United States. Under the hand of the Emperor, and with all the solemnities of a fundamental law of his Empire, it announced: “The decrees of Berlin and Milan are *definitively*, and to date from the first day of November last, considered as not having existed in regard to American vessels.” Could there be any motive of interest, any suggestion of pride, to prevent Great Britain from thereupon declaring that, as these decrees were definitively withdrawn from American vessels, so, also, were her Orders in Council? So far from it, every inducement must have operated with her to adopt this course. She would find in the edict of the 28th of April a complete victory over the American Government as to the controversy whether France had therefore repealed these decrees. It would have afforded to her one of the most desirable opportunities to contrast her good faith with French perfidy. If she regarded her *honor*, it would have urged to the measure; if she valued *American trade*, she would not fail to embrace the certain means of its restoration; if she cared for the *friendship* of America, she had it completely in her power to dissolve the bands which tied her to France. The President was bound, by the act of March, 1811, on which the French decree of the 28th April professed to be founded, to restore intercourse with Great Britain on the revocation of her orders; and no man was ignorant, much less the British Court, that a restoration of that intercourse must, and would have been followed by the resentment of the tyrant of France. And, do we not know that, as soon as this decree was made known to the British Government, it did occasion a corresponding revocation of the Orders in Council? I say, *as soon*, for, notwithstanding the objection that an interval of thirty days elapsed between the communication of this decree and the revocation of the orders, yet my estimable friend (Mr. GOSVENER) has explained this circumstance to the conviction of scepticism itself; the Prince Regent was, in fact, without a Ministry. By the constitution of that country, the monarch cannot act but through the intervention of his Ministers. As he is irresponsible to the law, for “he can do no wrong,” he is at liberty to act only through those who are answerable for what is wrong. The first moment when a Cabinet could be had to deliberate on the French decree of April, 1811, produced the revoking order of the 28th of June of last year—an order which the President has himself declared is susceptible of explanations that render it satisfactory.

Since, then, a knowledge of this decree, in May, 1812, was immediately followed by a satisfactory revocation of the obnoxious orders, why are we to believe that a knowledge of it in May, 1811, would not have produced the same consequence? The gentleman from Tennessee undertakes to inform us, and for this purpose has commented with as much fidelity as is usual with most scholiasts on the Prince Regent's declaration on what *he calls* Lord

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Castlereagh's despatch, and on the correspondence of Mr. Monroe with the British Minister, Mr. Foster. These, in his judgment, clearly show that this would not have happened. I cannot, if I would, follow the gentleman through all these comments. My lungs already admonish me that I have spoken long, and there is yet a view of the subject which must not be overlooked. Permit me, however, to say that, whatever impression the circumstances referred to were *then* calculated to make, and with the lights *then* alone appearing, they fall infinitely short *now* of supporting the inference which the gentleman attempts to draw from them. The Prince Regent's declaration affords us not the slightest aid in the inquiry. It speaks only of a full and unconditional repeal of the decrees being followed by a full and unconditional revocation of the Orders. It intimates nothing as to the effect which would be produced on the orders by a repeal of the decrees, as it regarded one neutral only. And this was the explicit language of my friend from New York, notwithstanding the statement given of it by the gentleman from Tennessee. It is one of the proudest triumphs of Truth, that, to combat her with success, she must not be met upon her own ground. Is it strange that the declaration of the Regent is silent on this point? No, sir; it was to be presumed that the new maritime code of Napoleon would be adhered to or relinquished. If adhered to, the orders were to continue; if relinquished, they were to cease. The dispute between the United States and Great Britain was, as to the fact of the repeal or no repeal of the French decrees, and not whether the repeal was limited to America alone, or extended to all neutrals.

Sir, it is premature to pronounce an opinion before the desired information is given us. But as other gentlemen have not hesitated to declare theirs, and as forbearance on my part might be misinterpreted, I have no hesitation in expressing my belief, that the assertion of the Duke of Bassano is false. I do not think that the Executive could have been guilty of an act so detestably wicked as the wilful concealment of a document so all important to his country. And although I know nothing of Mr. Russell, our former Minister to France, I will not believe him guilty (without far better evidence) of such foul treason against the nation which he represented. I feel assured, that the result of the inquiry will prove, that the guilt, and the meanness, and the falsehood of this transaction, have their origin in the Cabinet of Napoleon—that laboratory of frauds and calumnies. But while these are my hopes, and this my belief, I will not conceal my apprehensions. From the silence which has hitherto been observed by the Executive, when the occasion permitted and even required notice of the accusation—from the palliating tone in which the insolent decree has been spoken of as rather “exceptionable in its time and manner,” I fear

that the honor of the Government and the interests of the nation have not been vindicated by repelling the insult, or by demanding an explanation of the complicated perfidy of France. If from a cautious timid policy, or from any other cause, this course has been neglected, and it is the object of the last resolution to ascertain the fact, this House, I trust, springing immediately from the people, and animated by the feelings which pervade the nation, will not hesitate to evince their sensibility to its wrongs and indignities—their scorn of calumny, and detestation of treachery, even though they proceed from an Imperial source or are allied with hypocritical professions of “love for Americans.”

Mr. HANSON rose in reply to Mr. GRUNDY.—He said he would again ask the attention of the House as long as his strength would enable him to keep the floor, whilst he set forth those views which directed his mind upon the present inquiry. He equally regretted, that gentlemen should have dipped so deeply into the documents connected with this very plain and simple question under discussion, and the necessity he was under of replying, in a particular manner, to the gentleman from Tennessee, (Mr. GRUNDY.) The assertion made by that gentleman, the sentiments he uttered, and the monstrous doctrines he advanced, rendered such a reply unavoidable, if indeed he could ever be disposed to avoid doing his duty. Desirous as he had been from the beginning, to confine the discussion within its proper metes and bounds, with the hope of having presented to the people a simple, plain proposition, he would not have suffered himself to be led into a tedious investigation, but that it seemed altogether fitting for him to reply to the member from Tennessee.

The gentleman charges the minority with being the cause of the war, said Mr. H. Did he mean to say, that they had been laughed or ridiculed into the measure? This was paying a left-handed compliment indeed to the understanding and high political attributes of the men that rule the country, as well as to his own sense and judgment. The truth was, they had waded so far, it was better to go on than turn back. They had so completely committed themselves in their bullying system—their policy of addressing themselves to the fears of England—that, according to their own misconceived notions of consistency and honor, they were obliged to go on, all retreat being cut off—no avenue being left open for escape. Mr. H. here spoke of a self-created committee of Congressmen who called on the President and required him to send the House a Message recommending war. He said the first demand was unsuccessful, but the second succeeded; when he was given to understand that his re-election depended upon his recommending war at once. Mr. H. inveighed in strong terms against such a state of things, when a Presidential election was made to depend upon a recommendation of war.

There was no way of terminating this war, if the House, who held the purse strings of the

nation, would grant the supplies to carry it on. The House owed all its importance and authority to the power of the purse. They alone held the purse strings of the nation. To this feature of the constitution they should cling as the floating plank on the ocean—as the rock of their salvation. It was in the power of the House to terminate this bloody and disastrous contest with a nation willing to be at peace with us; and that man was indeed morally guilty of treason, who would furnish the means of ruining his country under the impressions entertained by the minority of this war. With the conviction written on his mind in strong and indelible characters, Mr. H. would feel like a traitor, if he aided in supplying the means to bring the Republic to a premature but inevitable fate if the war was continued another year, of which there could be no doubt, as far as the actions and the hearty wishes of the dominant party and their leaders were a criterion to judge by.

Mr. H. said that nothing but the spirit, perseverance, and patience, of the Federal party, had saved the nation so long from falling into the fangs of France. They cleaved closer and closer to the country as her danger increased. But for their unconquerable attachment to liberty, their ardent and unintermitting exertions to save the nation from the greatest of all sublunary miseries, years ago we should have fallen into the snare set for us by the fell destroyer of nations. By a slow but sure process, said he, has the existing state of intense suffering, alarm, discontent, and danger, been brought upon this people. As direct and as constant as the vane upon the steeple points to the quarter whence the wind blows, shifts with every adverse breeze, as faithfully as the needle designates the North, have the measures of the present incumbent of the palace and his predecessor and preceptor pointed to this war. True, they had occasionally varied and shifted their measures in matter of form as circumstances required—now relaxing, now bracing and invigorating their system—but the political barometer never deceived us. The State vane always showed whether the wind set from Mount Monticello or Gallia's shore, which the weatherwise considered as one and the same thing, in regard to the effect upon the political season. Yes, sir, said he, as regularly as the compass and the heavens conducted the great mariner Cook around the globe, and the breeze propelled his bark along, have the predominating minds of the ruling party, driven on by headstrong passion, have the master magicians behind the scenes, so beautifully dizzened to amuse the eye and divert the judgment, conducted this deluded people, like the alluring night lamp, into swamps, through briars, thickets, and quagmires. But to foretell a year ago the disastrous events that have passed in review before us, in almost "one long unbroken funeral train," betrayed a distempered imagination. A peculiar proclivity to error was

perceived in all our speculations, and a treasonable excitement of false alarm was charged against those who foresaw and were bold enough to foretell abortion and disgrace in all the transcendent schemes of glory, conquest, and aggrandizement, engendered in the disordered brains of their authors. Indeed, whoever had the hardihood to venture a prediction of miscarriage, was assailed with the ready argument of minions and pensioners; the cry of tory was thrown into his face like a bowl of cold water. The lamp post, the guillotine, or the gallows, was a punishment scarcely ignominious enough for the man who dare oppose this most righteous, honorable, and profitable war!

Mr. H. said, when the Duke of Cadore's letter was first published in this country, not one man in a hundred supposed for a moment, that the President would take that letter as coming within the meaning of the law of May, 1810, because its express proviso was palpably inadmissible, being a condition precedent, and not a condition subsequent. He likewise asserted, upon authority which he deemed altogether good, that the President himself, when he first received the Duke's letter, pronounced it "*jeuilletal*," and expressed himself in terms authorizing the belief, that he would not accept of it as coming within the terms of the law of May, 1810. However, notwithstanding this, and the undeniable evidence upon the face of the letter itself, to the amazement of all discerning honest men, Mr. H. well recollected to his own utter astonishment, on the 2d of November, 1810, the President did issue his proclamation declaring the fact of the repeal of the Berlin and Milan decrees, on the first of the same month and year—that is, that they were repealed the day before, according to the provisions of our law of non-intercourse. Now was drawn the strong line of demarkation between the two great parties in this country. Each took his decided stand, and bottomed its support or opposition to Government upon the truth or falsehood of this proclamation. We, the minority, contended, that there had been a positive violation of a plain law to favor France and embroil us with England—that a palpable juggle had been practised to induce a state of insurmountable repulsion in our relations with one belligerent, as a manifestation of our partiality to the other, and finally, with the view to connect our destinies to those of France. You, the majority, contended, that the President had only discharged a ministerial duty, doing nothing more than the law required of him, and in doing which he had no discretion to exercise. To say nothing of the spirit of prophecy with which it was solemnly proclaimed to-day, that the decrees were *bona fide* and in "*fact*" repealed yesterday, I ask what was the fact? how has it turned out in evidence? Were we, the minority, as roundly asserted, in the wrong; or were you, the majority, *ab initio*, in the wrong, and have you continued in the

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wrong ever since? What says the evidence in the case? On the 28th of April, 1811, the Emperor promulgates his decree, ante-dated or not, it is immaterial, which commences thus:—"Seeing by the report of our Minister, &c., that the United States have passed a law of resistance, &c., we, Napoleon, &c., do decree, &c." What law of resistance? The *March* law of 1811, which superseded the false proclamation, and made that proclamation the only evidence of the repeal in the courts of law. So that Administration sought to entrench themselves behind the assumption of the fact, that the decrees were repealed in November, 1810, and that the law of March, 1811, "the law of resistance to England," was a consequence of that repeal; while, on the other hand, our good friend, Bonaparte, officially declares, and produces the very repealing decree itself to remove all doubt, that the repeal was a consequence of the law of resistance. To aggravate the wrong and insult, he solemnly declares, through his Minister of State, that the repealing decree had been communicated to Mr. Russell and Mr. Serrurier about the time of its date, in order that it might be laid before this Government. It is this collateral fact of communication that these resolutions are meant, perhaps in vain, to establish. Were we right and you wrong? The evidence is before the world, and the best and only witness to the fact, the Emperor himself, by publishing his decree, proves the rectitude of our course and the fallacy of all your positions. It proves the proclamation to have been false, the law of March to have been unjust, as predicated (to use the fashionable phrase) upon a falsehood; and it proves that every step since taken towards this war was in our own wrong, contrary to truth, justice and honor—it proves that the war has no other foundation to rest on than an undeniable authenticated falsehood. The war, therefore, deserves and can be distinguished truly by no other appellation than an unnecessary, unjust, and unrighteous war, for opposing which we are moral traitors! All the gentleman's reasoning, (Mr. GENTRY,) therefore, drawn from Monroe's and Mr. Foster's correspondence, is of no avail, and merits no reply.

To strengthen my positions, I will introduce another piece of testimony, from a witness altogether unexceptionable, the late Secretary of State,* than whom none, save the President himself, stood higher in the estimation of the dominant party, and whose honor was guarded with a punctilious delicacy, amounting almost to adoration, as manifested by the dismissal of Mr. Jackson. What says this witness? I am afraid, by undertaking to repeat his testimony, I shall weaken and adulterate his precise and energetic language, and will therefore give his own words:

"It is within the recollection of the American people, that the members of Congress, during the last session, were much embarrassed as to the course most

proper to be taken with respect to our foreign relations, and that their embarrassments proceeded principally from the defect in the communications to them as to the views of the Emperor of the French. To supply this defect was the great desideratum. At a critical period of their perplexities, the arrival at Norfolk of an Envoy Extraordinary from France was announced. Immediately thereon all their proceedings touching our foreign relations were suspended. Their measures, as avowed by themselves and as expected by the nation, were then to be shaped according to the information that might be received from Mr. Serrurier, especially as he necessarily must have left France long after the all-important first day of November. Upon his arrival at Washington, and immediately after he had been accredited, knowing, as I did, the impatience of Congress and of my countrymen, I lost no time in having with him a conference. This conference I concluded by stating that I would take the liberty of addressing to him a note propounding the several questions that I had just had the honor of putting to him in conversation, and that thus by his answer I should be enabled to lay before the President, with the utmost precision, his communications to me. I accordingly immediately prepared the following draught of a letter, and considering the President's sanction a matter of course, I had it, in due official form, copied by the appropriate clerk. But waiting on the President with it, and after having reported to him verbally the result of the conference, I was, to my astonishment, told by him that it would not be expedient to send to Mr. Serrurier any such note. His deportment, throughout this interview, evinced a high degree of disquietude, which occasionally betrayed him into fretful expressions. Having in view nothing but the dignity of the Government, and the prosperity of my country, and, overlooking his peevishness, I entreated him, but in a manner the most delicate, not to withhold from Congress any information that might be useful to them at so momentous a juncture."

To give its full and proper force to Mr. Smith's evidence, a short notice of some interesting and important circumstances attending the introduction and final adoption of the March law of 1811 will be necessary. The gentleman who was Chairman of the Committee of Foreign Relations at that time, is now a member of this House, and is in his seat. I say, then, as well as I remember, (correct me if I am wrong,) he introduced the law of March, 1811, just as Mr. Serrurier's arrival was announced. As soon as the Minister's arrival in Washington was known, he withdrew his bill, as understood at the time, to proceed wittingly, and to allow time to ascertain from the new Minister fresh from France, whether the decrees of Berlin and Milan were actually repealed, as assumed and proclaimed by the Executive. The inference would be drawn by the public, if, after allowing due time to learn the result of the conferences between the Secretary of State, the bill was again reported, that the result of such conference was favorable, and removed all doubt of the truth of the proclamation. If not again reported, the conclusion would necessarily be drawn, that the information extracted from Mr. Serrurier, was unfavorable. What was the result? Recour to

* Mr. Robert Smith.

the testimony given by Mr. Smith, and all doubt is removed. In this state of things what did the Committee of Foreign Relations? The Chairman again introduced the law of resistance against England, bottomed upon the asserted repeal of the decrees and the President's proclamation, which itself rested upon what is now established to be a juggle of France—an undeniable untruth. The nation of course did infer that Mr. Surrurier had fully satisfied the Administration of the repeal of the decrees. There were those, to be sure, (Mr. H. was among the number,) who never for a moment changed their opinion, but the many continued under the delusion until Mr. Smith's disclosures burst upon the nation, aroused general indignation, and struck with amazement and horror every man whose mind was open to conviction. Nevertheless, the Administration proceeded with a steady step to their point of destination, and finally plunged the country into this most ruinous, calamitous war, which has filled the nation with grief and mourning, and brought us to the verge, if not the gulf, of national bankruptcy. They rushed on blindfolded till they were so far advanced as not to have the power of preventing this people from being sucked into the vortex, which had well nigh swallowed up the liberties of the world, and but for the memorable and glorious events which have opened a new era to the nations of the earth, would have sealed the doom of this rising empire.

Mr. MONTGOMERY rose, and addressed the Chair as follows:

Mr. Speaker, I have risen to give a concise view of the reasons which have determined me to vote against the resolutions under consideration. Whenever I am made to believe, that information sought for by gentlemen, is necessary in order to form a correct opinion as to the course to be pursued in respect to any matter proper to be acted on by this House, I will heartily join in calling for it; and on the present occasion, if I could be convinced that the information sought for would prove that the war against Great Britain was unjust, that we are seeking to wrest from her something to which by the principles of national law she is justly entitled, I would join in the call, and would take such measures as would show that we now abandoned our pretensions and desired peace. But, sir, I cannot take this view of the subject.

I have reflected on these resolutions with a view of discovering whether the information sought for could form the basis of any useful act on the part of this House, or of this Government, and the conclusion of my mind is that it would not; I am therefore resolved to oppose them. I take the object of the mover to have been either to procure the information to serve as the basis of some act in this House in relation to some of our functionaries, the Government or Emperor of France, or the present war with England. Let us then examine them in re-

ference to the first of these objects: if it is intended merely to afford the ground of censure and invective against some one or more of our functionaries, it can produce no good effect, no public benefit could be expected to result; besides, there would be a species of unfairness in the course, as the facts and arguments in defence, on the part of the accused, could not be fully developed. If any misconduct sufficient to ground an impeachment has been transacted, let gentlemen make the charge and proceed by way of impeachment; the subject will then be fully investigated, the accused can be heard.

Let us examine the subject with reference to the Government of France, and I believe it will be seen that no probable good can result. If it is merely to afford the foundation of philippics against the Emperor of France, I object to it, because I would view it as a waste of time, without so much as the consolation of believing that any thing we could say would produce a single instant of disagreeable feeling; and certainly it cannot be intended to pave the way for a declaration of war against that nation, when we have a negotiation pending, to finish which we have but recently sent a Minister.

Let us next examine the information sought for with a view to see whether the justice of the present war is dependent upon it: I hold that it is in no point of view dependent upon the withholding of timely information of the repeal of the Berlin and Milan decrees. This will lead me to take a short retrospect of the conduct of Great Britain and France about the time of the date of the Orders in Council, and the Berlin and Milan decrees, for the purpose of showing the true character of the difference between those nations and this; in doing which, it will not be necessary to ascertain which first aggressed upon our rights, or from which we receive the greatest quantum of injury; it will be enough that each has given us just cause of war. It will be recollected that France and Great Britain, after having carried on the present war several years previous to the year 1806-7, with all the rancor which the human mind is susceptible of—each struggling for the destruction of the other—found their efforts unavailing by the ordinary course of warfare. France, inflated with and wielding a power on the Continent rarely witnessed, had been unable to conquer Great Britain by the direct operations of war: Great Britain, powerful on the ocean beyond all example, had been unable to bring France to terms by the ordinary course of war upon her ships, colonies, and commerce. In this state of things, they seem to have determined respectively that every thing should yield to their views, of mutual destruction and self-aggrandizement; that those principles of natural reason, which ought to govern all nations, and which, under the name of national law, had been acknowledged by all civilized nations, should be no longer regarded: they commenced a system of depredation, of plundering of the commerce of all peaceful nations, each alleging

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that the course taken was founded in just retaliation. Under this state of things, what was the American Government bound to do? I answer, that at most, barely to demand reparation from both; and upon refusal, she might rightfully declare war against one or both, according to our view of political expediency. We were under no moral obligation to procure a repeal of the Berlin or Milan decrees, as a condition precedent to our having a just cause of war against Great Britain for captures under her Orders in Council; neither were we bound to procure a repeal of the Orders in Council as a condition precedent to a just war against France for captures under the Berlin and Milan decrees. Each had violated our perfect rights, and we had a right to select our enemy. As well might it be contended, that a man is bound to adjust the priority of injury between two highwaymen who have at distinct times robbed him, before he shall proceed to enforce the law and recover his property, as to insist that we could have no just cause of war against France or Great Britain, without procuring a repeal of the Orders in Council, or Berlin and Milan decrees.

The American Government it will be recollected endeavored to procure justice, to procure the repeal of these lawless interdictions of neutral commerce by negotiation, and failed. It was then deemed expedient to adopt some counter restriction, with the view and with the hope that it would dispose one or both of the belligerents to act justly. It was highly important to succeed in obtaining justice from even one, as that would have left us to contend single-handed against the other. With this view we resorted to embargo, non-intercourse, and non-importation laws, connected with negotiation. We were bandied about from Paris to Washington, and from Washington to London, to no purpose but to prove the perfidy of the belligerents, for several years. Here let me ask, whether we are bound perpetually to pursue this course? I think most certainly not. We had a perfect right to cease to endeavor to procure the repeal of either of the belligerent restrictions, and assert our right to the peaceful navigation of the ocean. We did so, and war was declared against Great Britain. I think it but a fair conclusion, from what I have advanced, that the war was just at the time of declaring it, as it stood connected with the Orders in Council. But a view of the war as connected with other causes will go to establish still more firmly the conclusion, and strengthen the arguments before advanced.

We were entitled to compensation for spoliations upon our commerce; and a renunciation on the part of Great Britain of the doctrine of her right to impress seamen from on board American ships; and an abandonment of the practice. As I have heard no person contend that there were not causes for war, according to the principles of national law, it will be unnecessary to stop to prove them so; it will only be proper to remark somewhat on their nature. With re-

spect to the first, I will barely remark, that one of the strongest possible guarantees against the repetition of national injuries, is the exacting complete reparation for the past wrongs. With respect to the second, it is in every point of view important: the very end of the institution of Government is violated in respect to our seafaring men, if we neglect or refuse to protect them to the utmost of our power. A second argument is drawn from the very injurious effect the practice would have upon our commerce; it would be in the power of the British Government in this way to supplant us in every market. A third argument to show its importance, is drawn from the inestimable value of personal liberty. A fourth reason for making a firm stand in opposition to it, is, that it is of a permanent nature; it is not one of those rights which Great Britain sets up as a belligerent right, depending upon the present war; but one which she claims to exercise through all time.

From the foregoing view, the conclusion is much strengthened, that we had good cause of war; and that political expediency required it should be declared is, to my mind, also strongly evinced.

Further, sir, I am opposed to these resolutions, because they seem to imply that we had no cause of war except for spoliations under the Orders in Council, or that we were willing to abandon the other causes. If these resolutions pass, it might be inferred, and would, I have no doubt, by our enemy, that we now thought we had not sufficient cause of war, without resorting to injuries under the Orders in Council; that we now repented the course we have taken. I am opposed to such policy; nothing can be gained by it, and much may be lost. We have taken a course, it is not unjust, and interest and honor requires we should pursue it firmly, and if possible bring it to a successful end.

Again, sir, I am opposed to these resolutions, because I believe they are ill-timed, and may have an unhappy effect on our negotiations now pending with Great Britain. It appears to me entirely probable, that if the British Ministry are informed of our being about to review the causes which have been alleged for the war, that she will be indisposed to concede anything until she knows the result; this may produce delay, and defeat the negotiation entirely. We ought not to expect reparation, if we but seem to doubt our claim.

It is contended on the part of those that support the resolutions, that the British Government were not notified of the repeal of the Berlin and Milan decrees in proper time; and that the war would have been prevented by a timely notice of the repeal, by producing the repeal of the Orders in Council. It is impossible to know certainly that a repeal of the Orders in Council would not have preceded our declaration of war, if the repeal had been promptly communicated; but, to my mind, there seems to be little ground for the inference, that they

certainly would have been repealed, taking into view the terms of the repeal of the Berlin and Milan decrees, or rather the modification, and the kind of repeal which was required by the British Government. Mr. Foster, the British Minister, in his letter to Mr. Monroe, our Secretary of State, dated July 8d, 1811, says "That, whenever France should have effectually repealed her Berlin and Milan decrees, and should have restored neutral commerce to the condition in which it stood previously to the promulgation of those decrees, we should immediately repeal our Orders in Council." This is the language of the authorized agent of the British Government; and, from this declaration, we were required not only to procure from France such a modification as would restore our own commerce as a neutral to its wonted footing, but a complete repeal, restoring the commerce of all neutral nations to the footing upon which it rested before the issuing of the Berlin and Milan decrees. The repeal or rather modification of the Berlin and Milan decrees of the 28th of April, 1811, only respected American commerce, leaving the commerce of all other neutrals to their operation. Hence it is evident, that the Orders in Council could not be expected to be repealed upon the production of an instrument merely modifying those decrees to favor the Americans: and this would seem at least a tolerable apology for not giving the British Government early information of the existence of such instrument. It was not such a writing as they required. And, by the way, I think their requisition so insulting and so unreasonable, that no further attempt ought to have been made; it was not enough that we would obtain from France a partial repeal or modification so as to secure our rights, but we were required to engage in the very chivalrous business of being the advocate and champion of all neutral nations, in order to procure the exercise of our rights.

But, sir, I do not believe the repeal of the Berlin and Milan decrees was the true cause of the rescinding the Orders in Council. The Prince Regent, in the instrument repealing the Orders in Council, expresses his opinion that the French repealing decree was not such as had been required; from which, believing as I do, that he was not disposed to yield to the United States or any other nation any thing through mere courtesy, I infer that some other reason or cause induced the repeal. More than a month elapsed between the notification of the repeal of the Berlin and Milan decrees, before the Orders in Council were repealed. Another reason to show it improbable that the one was really the cause of the other:—it will be recollected, that great complaints existed in the great manufacturing towns of Great Britain on account of the operation of the Orders in Council; that a lengthy investigation was had in the House of Commons to ascertain their effects upon their own commerce and manufactures. Now, sir, I believe

that the result of this inquiry was, that their own restrictions were recoiling upon themselves; that their own manufactures, one of the main pillars of their opulence and power, was about to be sapped, and the nation vitally injured; and this I believe was the real cause of the repeal of the Orders in Council. The modification of the Berlin and Milan decrees happily presented an apology, and rescued them from the open shame of being obliged to abandon their own measures without a plausible reason.

It has been contended by some of those who support these resolutions, that, if the Orders in Council had been repealed, we would not have gone to war on account of the doctrine and practice of impressment; and they infer this from our Government failing to press the subject of impressment for some time in the course of the last attempts at adjustment by negotiation. To this I answer, that it is impossible to know what course our Government would have taken; but it is very clear to me, that this nation would have shown an astonishing indifference to its honor and interest to have abandoned the ground which it had taken, and ably maintained by argument, in relation to this point. But I conceive there is a very satisfactory reason why the American Government did not continually press this point; this was a matter in which Britain stood alone: it did not depend upon the war; it was important to adjust with one of the warring powers the differences connected with the war, with a view to placing one of them more directly and exclusively in the wrong. This I take to be the true reason why the point of impressment was not so constantly pressed, and not that our Government viewed it as inconsiderable in its nature.

Mr. TELFAIR expressed his regret at the range that this question had taken, though an apprehension of the reality had been excited by the introduction of the resolutions before the House. He arose not to follow the example of gentlemen, but to exhibit it in a point of view in which, to his surprise, it had not yet been presented. Sir, the question of the policy, the justice, or necessity of a declaration of war, is not the one now before the nation—it is idle to spend time in debating it—the special and important objects of this session will not sanction the discussion of it. It has not only been discussed in its proper place, but was renewed at the last session, and the causes most ably developed. May I be excused, sir, in expressing an apprehension that the consciousness of defeat at that time has induced the opposition to renew their charge at this session, goaded on as they are by recent mortification, and cheered by the enchantments of existing hope. But, sir, is there no termination to a question of this sort? Is every effort of the Government in prosecuting the war to be clogged by details of the causes which produced it? What, Mr. Speaker, is the acknowledged definition of war? It is the combined energies of one nation brought

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forcibly into action against the united exertions of another, legitimately authorized by either. Who, sir, under our constitution, is authorized to declare war? Not, as in England, a capricious or ambitious monarch; but the Congress of the United States—a body taken from the people, and liable again to remain among them—emphatically, sir, the people themselves. Surely, then, when the nation is legitimately declared to be in a state of war, when, in the language of the definition, the people are called upon to unite in resisting foreign dominion—when the enemy is knocking at your very doors, it is the duty not only of the minor officers of this country to stand forth in its cause, but it is more imperiously the duty of every branch of that power which had declared it to prosecute it with vigor, to the intent that an honorable and permanent peace may be secured. The declaration of war, when legitimately made, is like every other truth demonstrated to the human mind, which is ever after received as an undeniable proposition whence to deduce other consequences, until refuted by additional developments of the same faculty which established it. But the same authority under our constitution which declared the war is not adequate to a restoration of peace. Hence, the want of complete analogy; hence, when the Congress have declared the nation in a state of war, its judgment is final as to itself—to prosecute it is within its competency; but legislation for a peace is by this act transferred to the treaty-making power. But, sir, further, this is defensive war; for that nation which has committed the first aggression upon some primary or essential right of another, has commenced the act of war, and that other which reacts under a declaration, whether by retaliation or otherwise, is on the defensive. Yes, sir, such a nation is on the defensive, even though an attack upon the enemy in his own quarters be made, in order to secure you from future harm. And will gentlemen pretend to say that Great Britain has not committed glaring outrages upon the primary and essential rights of this nation; that she has not levelled a deadly blow at its very independence? That she has not essayed to bring us back to a state of colonization? Was not the requisition to pass all of our vessels through her ports, there to pay a tax or duty, in the form of license, such an outrage? Was not the extensive blockade of the ports of Europe, without an adequate force, under which our vessels were rifled, such a violation of the fundamental principles of national law as to justify this nation in resistance? Was not, I ask, sir, the horrid usurpation of impressing American seamen, of consigning them to the most cruel of bondage, that under which they might be compelled to serve as instruments in heaping insult and injury upon their own nation, upon their countrymen, their brethren, an encroachment of the most daring kind—a violation of a primary and essential right of this nation, such as called for manly reaction on our part?

Gentlemen, in the course of debate, have revived the insulting, and I had hoped obsolete charge of French influence. It is not, sir, in my nature to enter a defence, which would be as degrading to me, as derogatory to the Chief Magistrate of this nation, whose enlightened and liberalized mind early rose superior to that unhallowed selfishness of soul which grasps at the trappings of aristocracy, and with conscious littleness shrinks from the sacred principles of Republicanism, because it affords no artificial props to ephemeral greatness. The private as well as public virtues of this man so effectually shield him from the shafts of unjust insinuations as to need no vindication. I speak, sir, with freedom, because I am conscious that those who know me will not believe me capable of flattery. As I should despise more than I can express the Administration susceptible of such an influence, in like manner is my abhorrence of such a charge made upon any other than the most irresistible evidence.

Sir, the gentlemen who repeat this charge should recur to the source whence so degrading an imputation first emanated. He who first proclaimed the existence of French influence in this country was proven an abhorred and cruel traitor. Yes, sir, the first tongue which dared to utter such an insinuation was that of the ever accursed Arnold—let gentlemen then pause, and weigh well the motive of such a charge. But let me not, hence, be supposed to accuse every one who repeats it of nurturing the same execrable spirit—no, sir, I dare not wrong myself by uttering so unwarranted an accusation against honorable members; yet I would expect of gentlemen to refer to those sentiments of honor which are their boast before they repeat so foul a charge derived from so infamous a source.

I am now, Mr. Speaker, brought to the special reasons which will induce my negative to these resolutions. It has been admitted by the gentleman from Virginia, (Mr. SHEFFERTY,) or the mover of these resolutions, (Mr. WEBSTER,) I cannot distinctly recollect which, and if I err in the reference, I assert the fact myself, that the resolution introduced at the close of the last session, and answered by the President, embraced all the matter in general terms, contained in those now before the House, so far as is consistent with the relative characters of the Executive and Legislative branches. It was in these words:

“*Resolved*, That the President of the United States be requested to be caused to be laid before this House the French decree purporting to be a repeal of the Berlin and Milan decrees, referred to in his Message of the 4th of November last, together with such information as he may possess concerning the time and manner of promulgating the same; and also any correspondence or information touching the relations of the United States with France, in the office of the Department of State, not heretofore communicated, which, in the opinion of the President, it is not incompatible with the public interest to communicate.”

This House, then, sir, had made a special call upon the Executive as to the time and manner of the promulgation of this decree; they made a general call as to all correspondences and other information touching the relations between this Government and that of France, with the usual exception of such matters as the public interest forbade him to communicate. This resolution having been answered by the President, enclosing the documents desired, what, I ask, sir, was the fair and reasonable presumption? Certainly that the President had done his duty; that he had communicated all the information in the Department of State not within the express reservation or exception contained in the resolution itself; and this belief, no doubt, upon the receipt of the President's answer, existed in every mind, until the assertion of the Duke of Bassano, not repeated in his note to Mr. Barlow, destroyed in some minds this fair presumption. This presumption, which in the discussion of a contested election, the day before yesterday, was urged with so much pertinacity and success by the gentlemen on the other side of the House, the advocates of these resolutions seem now to have abandoned or forgotten. A sheriff in that instance had been required by the law to administer an oath to the clerks of election, but no certificate of such oath appearing on the returns, the petitioning member avers that it was not administered; but, sir, such regard had the gentleman for the reputation of this officer, that this presumption was sufficient to repel the assertion of a respectable individual, formerly a member of this House, and at that time petitioning to be admitted in lieu of the sitting member. This presumption in favor of the officer, I believed with them to be founded in sound principle, and its influence was visible on the vote of this House—a principle whose influence cherishes, not only the character of the honest officer of the Government, but pervades every class of the community—for every man is presumed innocent until proven to be guilty. But, forsooth, this principle in every other situation so sacred, when applied to the Chief Magistrate of the United States, is rejected—to him it furnishes no protection. A being whose character has been portrayed with a pencil dipped in acrimony; a being whom the opposition have described as the mere creature of Bonaparte, the prime agent of the destroyer of Europe, is to absolve, by a mere *ipse dixit*, this fair and most reasonable presumption. Upon the declaration of such an individual in the conversation with our Minister, that the decree had been communicated to the predecessor of Mr. Barlow, the presumption that the President had done his duty, had communicated every thing relative to its promulgation which the interest of the country did not forbid, suddenly vanishes—an effect which the assertion of the most respectable freeman of his country would not produce under like circumstances, if uttered against the most insignificant officer of the Govern-

ment. This enchantment, indeed, looks like French influence; and, sir, we have strong reason to apprehend that the morality of this new standard of veracity—this same Duke of Bassano—will supersede the doctrines of that good pious soul the Prince Regent, the bulwark of our religion.

Mr. PEARSON addressed the Chair as follows:

Mr. Speaker: I rise to address you under circumstances not the most favorable to myself; nor can I indulge the expectation of obtaining the patient attention of the House at this late hour of the day, and after a discussion, on the part of some gentlemen at least, so able and so interesting. But, sir, impelled by a sense of positive duty to myself, and to those good men who have placed me here as their representative, I cannot for a moment hesitate to forego all considerations of personal convenience, to do that which every gentleman of the minority, in the habit of speaking, ought to do, protest against the abominable, the slavish doctrine advanced, and repel the charges and insinuations made by the member from Tennessee, (Mr. GRUNDY.) It is not, however, my purpose solely to notice the remarks of the member from Tennessee; nor shall I pursue other gentlemen through all their windings and turnings, in the wild, wide range they have taken in this debate. The proposition before us, demands some attention. It is plain, simple, and distinct; it is an inquiry for "the truth, the whole truth, and nothing but the truth," in relation to a subject deemed vitally interesting to us as a people—involving the reputation of our Administration and its agents, or that being and his agents, who tells us he loves us, and we are doomed to call our ally. To gentlemen situated as the honorable member from Kentucky, (Mr. McKEE,) who was ignorant of the call made on the Executive last session on this subject, and the result of that call—to some gentlemen who have just taken their seats in the House for the first time, the resolutions under consideration may appear unnecessarily definite and inquisitorial. They might well imagine, that a general resolution, in ordinary form, would bring forth all the information now desired. The reasonableness of this opinion proves, incontestably, the propriety and necessity of the course now proposed. A general call, such as that proposed by the gentleman from Kentucky, was made near the close of the last session of Congress. The terms of that resolution were sufficiently broad and comprehensive to authorize the expectation, that the information sought for would be obtained. What was the fact? In the night, and at the last hour of the session, a confidential Message was received from the President containing those garbled extracts which have excited so much suspicion and indignation, which evidently left a tale behind, which it is our purpose and our duty to unfold. It is a fact also, not unworthy of remembrance, that in reply to a call of the Senate on this same subject, the like extracts were

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given under the injunction of secrecy. Is it not a theme for curious speculation, to know what high and weighty considerations of State rendered necessary a pledge of secrecy on the part of both branches of the Legislature, as the condition on which those precious extracts should be made known to them; and what sudden change of policy should have absolved the members of this House from the pledge of secrecy, which for several weeks had been imposed on the Senate? What was the real motive for keeping those papers from the public eye is to me unknown; and I trust, other considerations, than the mere convenience of the galleries, authorized their public disclosure.

Mr. Speaker: In a Government like this, where not only freedom, but publicity of debate is guaranteed by the charter of our rights; where the people have the right to know, not only what is done, but how and by whom, all transactions enveloped in mystery, or clothed with secrecy, naturally excite suspicion, and not unfrequently alarm. This will continue inseparable from our nature, whilst a vestige of liberty remains. It is that characteristic of freemen which distinguishes them from the slaves and sycophants of power. Here let me tell gentlemen, whatever may be their opinions, however honest and unbounded may be their confidence, there does exist no slight impression among many of our best and wisest men, that all is not right in the relations of this country with the Government of France—that "something is rotten in the state of Denmark." Whether this impression be well or illy founded, is not for me to say; but when we reflect, that amid this massy pile of documents, with which your tables are breaking and your shelves are groaning, so few pages are to be found in relation to our complicated concerns with France, scarcely one entire letter to be seen, and no where to be heard a bold, dignified and spirited tone of remonstrance against the monstrous wrongs and galling insults of the tyrant who rules that devoted nation: when it is recollected, also, that there is a private chest, a box of arcana in the vaults of this House, whose contents, though almost moulding with age, have not yet seen the light; and of whose importance many gentlemen of this House can bear testimony, particularly the honorable gentleman from Massachusetts, (Mr. PICKERING,) who but lately, whilst a member of the Senate, underwent a sort of ordeal for having impiously, or inadvertently, brought to the light one of those hidden offsprings of French intrigue, still too tender for exposure. When all these things crowd upon our recollection, and when it is evident, as has been shown by my honorable friend from Maryland, (Mr. HANSON,) from the written testimony of your late Secretary of State, (a man then high in your confidence,) and for a supposed insinuation against his veracity, the nation was nearly set into a flame, and the offender, a man in the character of a messenger of peace, banished like a culprit from

our land; that the Executive of these United States did, after the arrival of the French Minister Serrurier, in the month of February, 1811, refuse to permit necessary and proper inquiries to be made of him, in relation to the pretended repeal of the decrees of Berlin and Milan, and did permit the unfortunate law of 2d March, 1811, to be passed, (confirming the erroneous and fatal proclamation of the 2d November, 1810,) under the false supposition that the French decrees had been repealed, when almost every man doubted, and many of the most intelligent denied the fact, without allowing those inquiries to be made, which would have elicited the truth, dispelled our doubts, and saved the nation from the gulf into which it has fallen. With these and many other facts and circumstances (some of which perhaps I may have occasion to notice in the course of my remarks) fresh in the recollection of a free, a jealous, and enlightened people, is it, ought it to be a matter of surprise even with the most confident believers in Executive purity and infallibility, that such suspicions, such impressions as I have stated, do exist? No, sir, the wonder is they are not universal. I hesitate not to say, I never have considered the communications from the present and late Executive, on the subject of French affairs, sufficiently full, free, and entire—they have in general been characterized by a tameness of expression, easily mistaken for the language of apology. Indeed, our late Minister in France, (Barlow,) from his own showing, disdained not to become the apologist of France for acts of the most flagrant and wanton injustice, which the agents of that nation did not deign to palliate or excuse. Witness what he said in justification of our trading under French license. Witness his excuse for the seizure and judgment of confiscation of the brig *Belisarius* and cargo, by the Council of Prizes, in January or February, 1812, because this vessel and cargo were liable to the decree of Milan, of the 17th December, 1807. Witness the reasons he urges for the promulgation of the paper in question, purporting to be a repeal of the decrees of Berlin and Milan, bearing date 28th April, 1811. He shrewdly conceived, after the appearance of the declaration of the Prince Regent of the 21st April, 1812, that a document might be exhibited, so carved and cut and ante-dated, as to satisfy the incredulous of his country, and still steer clear of producing a repeal of the Orders in Council. He did not ask it for his own satisfaction, or that of his Government. No, he was perfectly satisfied that the Berlin and Milan decrees had ceased to be applied to American vessels. And why?—because America did not permit her flag to be denationalized. In other words, because America had conformed to the principles of those decrees—she submitted to them, and claimed the benefit of exception, expressed in the decrees themselves. Yes, sir, here is the only true reason why our vessels are or have at any time been exempted from the full effect and operation of those de-

crees. It is an admission supported, to my understanding, by the most incontestable facts, that those decrees are not, and never have for a moment been repealed; that no exemption from their rigid operation, in our favor, was ever admitted till after the proclamation of the President was received in France. Even that proclamation did not arrest the progress of seizures and captures; it had the effect only of continuing our property in a state of sequestration, mortgaged as security for further resistance to Great Britain, which was accomplished by the law of March, 1811; and not until the knowledge of that law in France, was there a single case of an American vessel captured since the 1st of November, 1810, that had been released, or even had a trial. Strange, then, that gentlemen will still contend, as some have this day, that those decrees ceased to violate our neutral commerce on the 1st of November, 1810, and that there have been no cases of seizure, capture, and condemnation, under them, from that time to this. They might as well have said, there had been no burnings either. The truth is, there have been seizures, captures, and condemnations, almost uniformly during the whole period. I defy any gentleman to produce a single case where a decision has been made by the Council of Prizes, the regular tribunal for pronouncing the law, exempting American vessels from the operation of those decrees. On the contrary, there are cases of their express application—condemnations have been made of American vessels within the period alluded to, by the Council of Prizes—among other reasons for having violated those very decrees. I can here instance the ship *Julian*, and *Hercules*, and others, which have been furnished from the Department of State. The fact is this, sir: since we have taken up the business of resistance in conformity to the dictates of the Berlin and Milan decrees, the Emperor in his good pleasure, has, by his own special interposition, released many of our vessels which would have otherwise been condemned, and thus our submission to, has been transformed into a repeal of his decrees. But, sir, why labor this subject, already worn threadbare? The Emperor himself has proven that the famous letter of 5th August, 1810, did not warrant the assertion that his decrees were repealed, and thus does he give the lie to the proclamation of your President. Mr. Speaker, in addition to the important disclosure already stated on the authority of your late Secretary of State, permit me to refer to the same authority, for evidence of a most important fact of concealment, or withholding information, in relation to the views and intentions of the French Government; which, had it been disclosed, would or ought to have been all essential to the deliberations of this House, and ought of itself to have prevented the enactment of that unwarrantable and fatal law of March 2, 1811. The fact is this: That on the 22d of February, 1811, previous to the passage of the law of

March, and whilst it was under consideration in the House of Representatives, the French Government did, formally and officially, through their Minister, Mr. Serrurier, make known their determination not to restore the property which had been seized and condemned in the ports of France.

It will be recollected, by the construction which the President himself gave to his own powers under the law of May, 1810, as expressed by the letters from the Department of State to the American Minister in France, of 5th June and July, 1810, that the restoration, or satisfactory assurances of indemnity for the immense amount of American property unjustly seized and condemned in France, was made an indispensable pre-requisite—the *sine qua non*, to the enforcement of the non-importation against England, and the contrary as to France. With this declaration before us, and before the world, was it just, was it fair, was it consistent, to withhold from the Legislature of this nation, the knowledge of the fact that the property of our citizens would not be restored—that this indispensable pre-requisite would not be complied with? Could we with a knowledge of this fact have passed the law of March, 1811? Would we have done a deed so pregnant with mischief, and which has brought forth the calamities we now endure?

Mr. Speaker, will it be said that the evidence of your late Secretary of State, has lost its conclusive authority with many of his former admirers? be it so; the facts, however, here stated, never have been denied, they are susceptible of proof, and you are pointed to the witness.

The statement receives additional confirmation to my mind, from having been told by a gentleman of unquestionable veracity, about the time of the present French Minister's arrival in this city, that the late Secretary of State informed him, that he intended to relieve Congress and the nation from the suspense and doubt which existed in relation to the repeal of the French decrees, by being very explicit and decisive with the new French Minister, on the subject—or words to this effect. Sir, the note he prepared was explicit and decisive; but it was explicitly and decisively refused to be sent by the higher authority. Well do I remember the history of those times, and although I never for a moment believed in the fair and *bona fide* repeal of the French decrees, I participated in the general satisfaction expressed on hearing of the arrival of the French Minister at Norfolk—believing the period was then at hand, when all doubt, all embarrassment on the question of the pretended repeal would be removed, and the real state of our relations with France made bare to the nation. The dubious, unfixed, and tardy course of the Committee of Foreign Relations at that period cannot be forgotten—even their labors were suspended for the event. Sir, the Minister arrived, but our fond expectations were blasted, not a word, not a whisper of intelligence reached this House; we were

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left still to grapple in the dark; the Committee of Foreign Relations hurried through the law of March 1811, the effects of which are now scourging this land. What our disappointment was on this occasion, can well be imagined; but what our indignation ought to have been, when made acquainted with the cause of this disappointment, cannot be expressed.

One word more, sir, on this hated subject of French decrees. I have stated, at the time of issuing the President's proclamation, and passing the law of March, 1811, I did not believe in their repeal; and here I will take occasion to remark, that, independent of other evidence, the testimony of Mr. Jonathan Russell, then our agent in France, in his letters to the Department of State, during the winter of 1810-'11, tended strongly to confirm this opinion; the facts he relates in relation to the seizure of the New Orleans Packet, the schooner Friendship, and others, and his reasoning on those facts, are not only conclusive as to the continued operation of those decrees, but that he knew they were not repealed. This gentleman, however, seems subsequently to have changed his opinions, and yielding perhaps to an impetus not to be resisted, labors to prove that we were not shuffed into the lead, where national honor and the law required us to follow. As this gentleman is one of the persons implicated in the subject of the present inquiry, let me say, whilst I remember it, that so far from having the terms of those resolutions narrowed, or the inquiry more limited, I would suggest to the honorable mover the propriety of adding an interrogatory to this effect—whether Mr. Russell has, by any public official communication, denied or admitted the charge made by the Duke of Bassano, that the decree of the 28th April, 1811, was communicated to him at or about the time of its date. No private or verbal declarations on the subject ought to satisfy us.

Mr. Speaker, whether the promulgation of the French repealing decree of April, 1811, at the time it bears date would have produced a repeal of the Orders in Council, is perhaps, at this time, a question not very essential to decide. It has, however, received much importance from this discussion. In reply to a remark from the honorable mover of the resolutions under consideration, and an opinion advanced by the gentleman from Virginia, (Mr. SHEFFERY,) the gentleman from South Carolina, (Mr. CALHOUN,) not content to permit the effect of the promulgation of the French repealing decree, at the time it bears date, to remain a matter of opinion and speculation, not content with merely controverting, by argument, the opinions which had been advanced, he, in a tempest of zeal, and in language peculiar, undertakes to prove, beyond the possibility of a doubt, to put the question forever at rest, and fix falsehood on him who "dares hereafter to say, if the French decree of repeal had been known, the British Orders would have been repealed, and the war thus prevented." Mr.

Speaker, I will not follow the example of the gentleman from South Carolina, by hazarding a positive assertion on a question susceptible of doubt, and depending on motives in other breasts, impossible for us to ascertain; but I dare to say, the gentleman has fallen far short of convincing me of the correctness of his position, or of putting the question at rest. So far, then, as depends on the evidence of opinion, founded on a knowledge of facts before us, I must dissent from the opinion so confidently expressed by the gentleman from South Carolina, (Mr. CALHOUN.)

It is true, the declaration of the Prince Regent of the 21st April, 1812, and some of the letters of Mr. Foster, near the close of his correspondence with the Secretary of State, required the repeal on the part of France to be absolute and unconditional. It is equally true, that the last letter from Mr. Foster on this subject, (and that, too, after he had received the declaration of the Prince Regent,) declares the repeal of the French decrees as preliminary to a repeal of the Orders in Council, to be such as we had a right to require in our character of a neutral nation. It will also be recollected, that the question between this Government and Great Britain was, whether the decrees of France had been repealed at all, and not as to the extent of that repeal. The British Government denied the letter of the Duc de Cadore, of August 5th, to amount to a repeal, and required some authentic document of the fact. We contended that the letter of the 5th August, together with the late practices of France, in relation to us, were satisfactory evidence to entitle us to an abrogation of the British orders. Thus, all discussion, as to the partial suspension of the French decrees, or our conditional and partial exemption from them, entitling us to the like exemption from the British orders, was perfectly superfluous—an argument from premises totally denied, and stated by Mr. Foster, in the correspondence relied on by gentlemen on the other side of the House, to be altogether unnecessary and irrelevant. The declaration of the Prince Regent, so far from assuming higher ground than had been before occupied, always appeared to me to have been intended to furnish an opening for the promulgation of any French repealing decree that might exist, and if none did exist, that we might, more consistently with our former admissions, require one to be issued. This is inferred by the declaration, insisting only on the promulgation of a repealing document, regardless of its construction, or the practice under it, as preliminary to the repeal of the Orders in Council. It is fair to argue from what has, to what would have happened. The Orders in Council were repealed as soon after the appearance of the French repealing decree, as the unsettled state of the British Cabinet would admit; and the reason given for this change of policy was the promulgation of that decree—the difficulty gentlemen find in tracing up any other cause,

proves what has been alleged to be the true one.

Some gentlemen have attributed this sudden and important change of system to the clamor of the manufacturing interest. Sir, this clamor was of no recent date. It was as loud on the 21st April, the date of the declaration of the Prince Regent, as it was on the 28d June, the day on which the orders were repealed—the result of the examination in Parliament on the subject was, I presume, as well known on 21st April as on 28d June. In addition to this, were we not informed by the Executive himself, within a few days of the declaration of war, that no prospect of a change in the British policy existed? Was not this the language of our agent in London, and did he not tell us that war was inevitable? It cannot then be that this was the real cause of the repeal of the Orders in Council.

The same, and other gentlemen, in their laborious and sagacious search for a cause, ventured to attribute no inconsiderable share in producing the repeal of the Orders in Council, to the armor and attitude assumed by the Message of the President—backed by the report of the Committee of Foreign Relations, and those expenditures which followed in their train. Unfortunately, this supposition, like the preceding, is opposed by facts which cannot yield to this sort of speculation. The Message, the report of the committee, your army bill, and threatening war speeches, were known in England before the declaration of the Prince Regent, and long before the repeal of the Orders in Council; no effect was produced—your agent in London tells you none would be produced. The British Minister here manifested no alarm, but agreeable to the opinion of those same gentlemen he was instructed by his Government to make a stand in relation to the Orders in Council, which dissipated all hope of obtaining their repeal, but by an appeal to arms. If, indeed, the British Government were frightened at the aspect of war which was here exhibited—pity it is, the scare-crow system had not been longer kept up, and preserved from the vision and the touch the living skeleton of this war.

Mr. Speaker, the gentleman (Mr. GRUNDY) has ventured to advance a doctrine on this floor both novel and extraordinary; a doctrine subversive of every principle of civil liberty, and destructive of our first and dearest, not only of chartered, but birth rights. He deems that man guilty of moral treason who does not volunteer his aid in strengthening the arm of Administration in the prosecution of this war; or who, in the free exercise of the right of speech and opinion, may be the means of inducing others to withhold their personal services or pecuniary resources from the disposal of those who conduct the war. Sir, this doctrine is freighted with the most monstrous consequences—it is not for a moment to be tolerated by a people regardless of their rights. Let this doctrine be once established, an ambitious Execu-

tive, and a weak, a wicked, or interested majority of Congress have nothing to do but to declare war, under any pretence, or for any cause or object, however unimportant, or however destructive of our best interests, we will be bound to strengthen the arm lifted for our destruction—join in acclamations of praise to our destroyers, or sit by, in silent anguish, awaiting the death-blow to our constitution, and with it our liberties as a people. If the people, who have been taught to believe they are secure in the right, not only of expressing their opinions fully and openly in relation to the conduct of their rulers, their motives and the tendency of their measures, but also in the right to change those rulers—are now to be told (and they should believe it) that their rights are only to be exercised in a state of peace and on ordinary occasions; but in time of war they are to be suspended or put out of existence—(the time, above all others, when they ought to be most vigilantly exercised and sacredly guarded)—when these things come to pass—when this doctrine of moral treason becomes the order of the day—then may we say, good-bye to the liberties of our country—welcome tyranny, welcome Bonaparte, welcome oppression in any other shape; for when the measure of our sufferings is full, little does it avail by whom they are inflicted.

Mr. Speaker, the member from Tennessee, not satisfied with merely advancing this doctrine, has made an application of it. As I understood him, and as he was understood by gentlemen around me, he charged the whole Federal party in this country with this newly-defined crime of moral treason; and being the friends of the “fast anchored isle.” Although he did not charge the individual members of this House, it is not easily conceived how they can escape; particularly as the gentleman told us, he did not say more than he meant.

Sir, I am one of this great Federal party, and I glory in being so—many of my best and dearest friends belong to this party. Many of the greatest and best men in this country are attached to this party; and whilst they continue, as they have done, to make virtue, fortitude, and intelligence their means, and their country's good their end, I hope never to forsake them. This party cannot be hurt by such attacks; to attempt to defend them would be an act of injustice. For myself and my immediate constituents, I will say: If this charge of moral treason, and being the friends of the nation with whom we are at war, is intended to be applied to myself, or a single man who voted for me, from personal or political regard, the charge is false.

SATURDAY, JUNE 19.

The French Decrees.

The House proceeded, immediately on its meeting, to the consideration of Mr. WEBSTER'S resolutions.

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Mr. YANOEY said, believing as he did that, upon the question now under consideration, he should give a vote very different from many of his political friends, he begged leave briefly to state to the House the reasons which would induce him to co-operate with the gentlemen in the passage of the resolutions: it was not because he believed that there was any necessary and material information in the possession of the Executive which had not already been communicated; on the contrary, he believed that all the information upon this subject was communicated at the last session. Upon looking to the resolution offered at the last session by the honorable gentleman from Maryland, I find, said he, that all the substance of the present resolutions is embraced in that, and more especially if we take into view the answer of the President to that resolution. The resolution then adopted by the House, required that the President should inform the House at what time, and in what manner, the promulgation of the French decree of the 28th of April, 1811, was announced to this Government. In answer, sir, to that resolution, it will be seen, by a reference to the Executive papers of last session, that the President transmitted to this House a letter from Mr. Barlow, of the 1st of May, 1812, to the Duke of Bassano, stating that "we know, indeed, that the French decrees do not apply to the United States;" but that the Prince Regent, in his declaration of the 21st of April, declares that they are still unrevoked; and in order to remove all doubt upon that subject with the British Government, Mr. Barlow requested in that letter that the Duke of Bassano would furnish him with an authentic act of their revocation. It was furnished, sir, on the 10th of May, 1812, together with the decree of the 28th of April, 1811. Now, sir, though in the resolution offered by the honorable gentleman from Maryland, at the last session, it is not asked "by whom" the decree was announced to this Government; yet the answer of the President furnished the House with that fact; and it is shown by Mr. Barlow's letter of the 12th of May, communicated to the President, that the first intelligence of this Government was received from its accredited Minister. The resolution, therefore, now under consideration, does not materially differ from the one adopted at the last session; for though it was not moulded in that interrogatory form which this assumes, yet it is substantially the same. I believe, sir, the whole of the information sought for is sufficiently expressed in the first resolution, the one now under consideration; yet I shall vote for the whole of those resolutions. The last resolution, sir, I think objectionable in its phraseology, and also in its substance; but I shall give it my support. But let it be distinctly understood, at the same time, that I do not support those resolutions because I think there is any information in the possession of the Executive, which was withheld in violation of

the resolution of the last session, or that any suspicion of unfairness attaches to the Administration in their foreign relations with Great Britain and France.

From the conduct of the particular friends of these resolutions during this discussion, I believe it would be a source of great gratification to them if they were rejected; and, so far, sir, as my vote goes, I am determined to disappoint them. I think it much better for the Administration that they should pass; not that I expect it will soothe the opposition, or produce any important information to the nation.

But, sir, the gentlemen on the other side of the House, not content with discussing the merits of those resolutions, have mingled in the debate our foreign relations. By way of showing the importance and value of the resolutions, and the good that will flow from them to the country, they tell us that the answer to those resolutions will show one or both of two facts, to wit: that if the French repealing decree of the 28th of April had been known to the Government before the declaration of war, it would have prevented it. And, secondly, that if this decree was not communicated to our Government before the declaration of war, (which they admit to be the fact,) then the Duke of Bassano, in his conversation with Mr. Barlow, has told a falsehood. Now, sir, permit me to remark that, if the gentlemen think it important to their cause, or are otherwise solicitous to prove a falsity on the Duke, let them do so; I want nothing to convince me of the political hypocrisy and perfidy of that Government.

Admitting that the French repealing decree had been formally communicated to this Government before the declaration of war; nay, that it had been even communicated to the British Government in April, 1811, when it purports to be dated; still he did not see how gentlemen could bring their minds to believe that that decree would have averted the war, without they knew the secrets of the British Government better than its accredited Minister; nay, without they knew the intention of that Government better than the Ministry and Prince Regent himself. And, sir, if any thing can be said in addition to what was so fully illustrated the other day by the luminous argument of my political friend from Tennessee, (Mr. GRUNDY,) I beg leave to suggest it. The non-intercourse act of Congress, passed in the Spring of 1810, declared that, if either Great Britain or France would repeal or so modify their decrees or Orders in Council, that they should cease to violate the neutral commerce of the United States, and the other failing to repeal her orders within three months thereafter, that the United States would take decisive steps against the one so failing to repeal. In August, 1810, the French Government, by its official act, pledged itself to our Government, that the Berlin and Milan decrees were repealed, and should cease to operate on the first of

April following. Since which time, he defied the gentlemen to show that they had been enforced by order of that Government.

Previous to this time, however, it is worthy of remark, that the British Government only required of us, that France should repeal her orders as respected the United States, and she solemnly pledged herself that she would repeal her orders, *pari passu*, with the repeal of the decrees as respected the United States.

But, sir, what was her conduct upon this occasion? Instead of repealing, or promise of repealing, as France had done, she advances in her doctrine, and contends that America must now procure France to repeal her decrees, not only as respected herself, but as respected all other neutral powers.

How then, sir, might it be asked, could the promulgation of the French repealing decree have prevented the war? Would it have produced a repeal of the Orders in Council? It would not, if the British Government are to be believed. The declaration of the Prince Regent of the 21st of April; the correspondence between Mr. Foster and the Secretary of State of the 10th of June, and again on the 14th of June, a few days before the declaration of war, are conclusive on this point. But, sir, if we need better evidence to establish the fact, than the correspondence of the accredited Minister of England, permit me, sir, to refer the gentleman to the speeches of the Ministry in Parliament during the month of February, 1812; they will shew, sir, that Mr. Rose and Mr. Percival, during that discussion, which grew out of the examination and investigation of the Orders in Council in the House of Commons, have frankly and honestly acknowledged that which the gentlemen upon this occasion deny. Mr. Rose expressly says, "that they are maintained to promote the trade of England at the expense of neutrals, and as a measure of commercial rivalry with the United States." Mr. Percival in his speech says, "that they are not only supported upon this principle of retaliation, but that this principle involved the license trade; that neither the partial nor total repeal of the Berlin and Milan decrees as they related to America, or to any other nation, or all other nations, would form any claim on the British Government, while the Continental system, so called, continued in operation."

Mr. SHARPE said it was not his intention to have troubled the House with a single remark on the subject before them. He should have been content with a silent vote, had not the range of debate led into a full view of the conduct of the Administration in relation to the war. Intending to vote for all except the last of the resolutions, it became his duty to assign his reasons; as they were directly opposite to those of other gentlemen who advocated them. Some gentlemen, said he, have, for the first time during this Administration, become the supporters of the character of the nation; although not insensible to the cause of the discus-

sion, and the effect it is intended to have, yet I am pleased to discover that such is the ground they are driven to take to obtain their object. On former occasions, those who styled themselves "friends to peace," contended that our Government waged war from a predilection to France; and we were entertained with their eloquence, displayed in comparing the nature and extent of injuries from each belligerent, France and England. The ruler of the first was denounced as a Usurper, a Despot, and a Tyrant; and the other triumphantly represented as defending our Holy Religion, as fighting the cause of Humanity and the World. Whether a ground that has afforded so much food for declamation hitherto, has been silently abandoned because it has ceased to have any effect upon the nation, and recoils upon those who resort to it; or because that magnanimous Government, finding it necessary in so great and good a cause to engage her barbarous allies on our exposed frontiers indiscriminately to murder, disregarding age or sex; and had placed the trophies of savage warfare, a human scalp, over the mace of their Legislative Council at York, representing that an authorized system of rapine and murder was interwoven with the genius of their Government; whether this occasioned the change, I leave others to decide.

I will consider this subject, sir, in the form in which it has been presented; and first, as to the avowed object of the resolutions. We learn from the gentleman from New Hampshire, (Mr. WEBSTER,) and the gentleman from New York, (Mr. GROSVENOR,) that they are intended to support the honor of our country. Who can object to it? But how? By proving to the world that in a correspondence between Mr. Barlow, our Minister to France, and the Duke of Bassano, in May, 1812, the French Minister of Foreign Relations was guilty of asserting a falsehood; and that the decree of the Government of France, bearing date on the 28th of April, 1811, repealing the Berlin and Milan decrees, never was communicated to our Government until it was communicated through Mr. Barlow. Let it be admitted that the decree of the 28th April, 1811, never was communicated to our Government previous to the mission of Mr. Barlow. The gentlemen say so, and at once acquit our Government of all charge of duplicity or concealment. But they also contend that, had the decree of the 28th April, 1811, as the Duke of Bassano stated to Mr. Barlow, been communicated to our Government at the time it bears date, and by our Government been made known to England, she would have repealed her Orders in Council and we have had no war with her. To make good a position of that kind, those who assume it must have a knowledge of the temper of the British Government beyond what they have ever communicated to the public; and, so far as the assertion may depend on that sort of calculation, I should hold it wholly incontrovertible. But, if the diplomatic correspondence and public acts of the British Gov-

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ernment are evidence against them, it is proven to a demonstration they would not have repealed their Orders in Council upon the production of the decree of 28th of April, 1811.

The Prince Regent's manifesto of the 21st of April, 1812, after complaining of the injustice of France, in respect to neutrals, and excusing the course adopted by Great Britain under the plea of necessity, and as retaliatory of the decrees of Berlin and Milan, proceeds to require a repeal of those decrees as a condition precedent to the rescission of the Orders in Council—not a modification of them so as not to affect the commerce of America, but that they should cease to operate on all neutral commerce. That there should be no misunderstanding upon this subject, in the correspondence between Mr. Foster the Minister near this Government and Mr. Monroe, Secretary of State, in June, 1812, Mr. Foster expressly states that nothing less than a full and unconditional repeal of the decrees of Berlin and Milan would induce his Government to repeal her Orders in Council; that Great Britain could not repeal her Orders in Council as it respected America, and leave them in force against other States, upon condition that France would except America singly and specially from the operation of her decrees. The relaxation or modification of those decrees is considered insufficient. America is not only to obtain from France the freedom of her own commerce, but she is required to contend for the commerce of others. She is not only to cause her own rights to be respected, but she must be the guardian of the rights of all neutral nations. Are gentlemen prepared to say America should have interposed in behalf of the rights of all the neutral world? Upon what honorable pretence could America contend for the redress of injuries other than her own; and more especially whilst Great Britain withheld a redress of the outrages she was daily committing upon our citizens?

The gentleman from New York (Mr. GASTON) and the gentleman from North Carolina (Mr. GASTON) tell us, that the British Government, on the 28d of June, 1812, by the repeal of their Orders in Council, afforded sufficient evidence, that, had the French decree of the 28th April, 1811, been communicated at the time it bears date, that the effect would then have been the same, and that the delay of the British Government in meeting the repeal of the decrees of Berlin and Milan, so soon as the decree of the 28th of April, 1811, was communicated, was owing to the assassination of Mr. Perceval, the Prime Minister, which deranged the British Cabinet, and that so soon as it was organized, the repeal of the Orders in Council took place. Mr. S. said he was sorry to find upon examination, that the gentleman's understanding of the rescission of the Orders in Council was entirely different from what that State paper, from the face of it, would warrant. In its preamble, the decree of the 28th of April, 1811, is taken notice of, and so far from considering that sufficient for the repeal of their Orders in

Council, it is expressly stated that the tenor of the decree of the 28th April, 1811, is not considered as satisfying the order of 21st April, 1812, nor such a repeal of the decrees of Berlin and Milan as the British Government had always required; nor would it justify the demand of the American Government, that their Orders in Council should be abandoned; nor does the order of the British Government of the 28d June, 1812, more than suspend the operation of their Orders in Council, reserving, at the same time, the express right to enforce them again whenever it should appear expedient, notwithstanding the decree of the 28th of April, 1811. This paper of the British Cabinet, suspending their Orders in Council, relied upon by the gentlemen themselves, goes incontestably to confirm what was meant by Mr. Foster, when he required a full and unconditional repeal of the Berlin and Milan decrees, and declared that a repeal as it respected America, would not do—but it must be general as it regards all neutrals. As the French decree of the 28th of April, 1811, is not the reason of the suspension of the Orders in Council on the 28d of June, 1812, we are led to inquire what were the causes that produced it. They are best discovered in the policy of that nation. Ever in the habit of considering her interest, she has long since become insensible to those principles of justice that should as invariably govern nations as individuals. Feeling her ascendancy upon the ocean, her avarice would not suffer her to brook a rival. The unparalleled prosperity of American commerce soon excited her jealousy; and with the commencement of our present Government commenced the history of her injuries and injustice towards us. The annals of our diplomacy, for a period of above twenty years, exhibit complaints of the plunder of our property and the impressment of our citizens upon the high seas. With Great Britain, the generous spirit of commercial enterprise is converted into a system of piracy and plunder, sanctioned by the highest authorities of the Government. Emboldened by our long forbearance; encouraged by the strong opposition in our own country to avenging her injuries; and calculating on the want of unanimity in our councils, Great Britain was induced to believe this Government wanted energy to commence and prosecute a war. Thus she was induced to conceive the design, by her Orders in Council, of sweeping our commerce from the ocean and enriching her Navy with the spoils. Nor did she once think of abandoning that policy, until, when too late, it was apprehended war must be the result of the state of things in America. Gentlemen may talk about French perfidy as the cause of this war. Let me assure them the canker lies nearer home. The injuries and injustice of Britain were the immediate cause. Yet, I have no doubt, those in our own country who induced a belief that we wanted unanimity and energy to right our wrongs and support our sovereignty as a nation, are highly culpable.

This brings me, sir, to the most interesting part of the debate. We are now at war with a most potent and perfidious enemy. Enlightened politicians of all ages and countries agree, that the vigorous prosecution of a war, by calling into action the resources and energies of a nation, is the only certain means of procuring an indemnity for injuries and security for our rights, in a steady and honorable peace. So far as any gentleman's arguments go to contravene that course of policy, by disaffecting the people of this nation to their Government, and by their opposition to the ways and means of carrying on this war, to paralyze the Administration in their endeavors to bring it to a prosperous and happy termination, I feel alarmed at the consequence, and must entreat gentlemen to consider what will be the tendency of such doctrines. The gentleman from New York, (Mr. SHIPARD,) yesterday, on this floor denounced the present war as unjust, and said his conscience would not suffer him to take a part in it; that he should deem himself guilty of murder if he did. For the honor of the gentleman, I will not believe that sentiment to have been matured by reflection—I am necessitated to inculcate his head, to do justice to his heart. Will he reflect but one moment, that although he may differ with the Government on the causes that produced this war; although he may believe the enemy had a prescriptive right to plunder our ships and impress our seamen; yet, this is a government of laws, enacted by the constituted authorities, where the majority rules. This Government has, by its legitimate act, declared war with Great Britain. Have the minority a right to oppose that war, and bring disaster and disgrace upon their country? He who opposes the adoption of injudicious measures, is a patriot—those measures once adopted, to oppose their execution is rebellion. If to meet our enemies on the field of battle be murder, what crime is he guilty of who can tamely see a frontier of five hundred miles smoking with the blood of his fellow-citizens, and the only remaining inhabitants flying by the light of the conflagration of their dwellings, and would refuse to contribute to their protection? His crime must be treason against humanity.

The same honorable gentleman has said we are indebted to the enemy for their humanity and forbearance. Yes, Mr. Speaker, when we reflect on their wantonly consigning private property to the flames, in their destruction of our villages on the seaboard; when we recollect their giving up the wounded and prisoners taken at the defeat of General Winchester to be scalped and tomahawked by their Indian allies; when we see them side by side with savages, traversing the borders of our country, leaving the dwellings of our fellow-citizens a heap of ashes slaked with human gore, we are made to exclaim, If this be their tender mercies, good Lord deliver us from their wrath!

We are also told by the same honorable gen-

tleman, that the Government has at last to depend upon the Federalists for funds to support this war; that the loans were all obtained from them; he was sorry any would contribute to so unjust a war, and he hoped they never would be paid by the Government. Mr. S. said he could by no means admit the fact of the Federalists filling up the loan, for he was well informed that gentlemen of both sides in politics had contributed largely in loans to the Government, and that he was happy in believing there were many whose politics were Federal that are true friends to their country. But, said he, I would not believe it until I heard it, that it would be contended by any one on this floor, that money borrowed by the Government, under legal authority, on any change of Administration or policy, ought not to be paid. When my country shall become so insensible to every principle of justice and honesty as to refuse to pay her just debts, I trust in God I may not be disgraced by being called her citizen. No doubt for the purpose of giving weight to such doctrine, the gentleman from New York (Mr. SHIPARD) boasts that Massachusetts, Connecticut, and New York, were the foremost in the struggle for independence. It is well the gentleman named other States besides his own; but why he has overlooked the two very respectable States of Pennsylvania and Virginia, I am at a loss to tell. Those patriots and heroes who were foremost in the Revolution we honor as our country ought. But, alas! with the mutations of time they have passed away, and have left another race upon the stage. Massachusetts, the cradle of liberty! we inquire for your sages and heroes; we ask, where are they? and are answered only by the echo of our voice, repeating "where are they?" The same honorable gentleman, and the gentleman from North Carolina, (Mr. GASTON,) press this subject home, and tell us their fathers fought and bled in the Revolutionary contest for liberty; inferring that with sires so distinguished the sons should not easily be suspected of error.

But, sir, my perception of the right to inherit either the honors or the talents of an ancestor is so indistinct that we may very readily imagine that it might or might not happen. I am warranted from history in stating a case—such I hope does not exist in our own country: Brutus, the first distinguished patriot of that name in Rome, in no long time after driving the tyrant into banishment, had to sit in judgment on his own sons for treason. The illustrious father is not unfrequently cursed with a degenerate son. He who has worn out his life in the service of his country, and by his wisdom and valor rendered himself conspicuous in achieving her liberty and advancing her happiness, is entitled to the most exalted niche in the temple of fame; nor less distinguished he, who, in the ensanguined field, is sacrificed among a hecatomb of victims on the altar of his country's rights:

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"Fresh leaves of martial laurel
 Shall shade the soldier's grave,
 Who dies with arm uplifted
 His country's rights to save!"

But the chaplet of flowers that adorned his silver locks would wither and decay on the brow of his son, unless cherished by the same virtues. Could the spirit of the departed sire converse with his son, he would point to the most exalted eminences of his country's promotion, and say, Son, climb there by understanding and promoting your country's weal, and you may gather laurels from those cloud-capt summits that will grow and flourish as long as you deserve to wear them. But, if you refuse to emulate your father's example, the lustre of his character will only throw upon your conduct a shade of opprobrium. Observation and history lead to this conclusion: that every one acts from his own judgment, and should receive the fame or infamy due to his own conduct.

Sir, when we reflect that this nation is now engaged in war, the object of the early meeting of this session of Congress will immediately occur. The ways and means for carrying on the war are imperiously demanded of us; to meet that object should be our first duty; and I had hoped no subject disconnected with it would have occupied the House; and much less could I have imagined several days would have been employed in investigating the causes that produced the war, at a period when it is a year since it was declared. The arguments of gentlemen in the opposition might have been serviceable at the time that subject was on the tapis, and I believe they were then urged, duly considered, and weighed before our Government acted. All arguments should be now applied to the present state of the Union, to the effectual means of bringing this war to a happy and honorable termination. Mr. S. said he hoped at least we should all unite in feeling an interest in the fortune and happiness of our own country, and in adopting the means necessary to that end.

Mr. MURFEE said that he was desirous of speaking on this question, for several reasons; one was, that being unaccustomed to deliver his sentiments in deliberative bodies, he might possibly extend his remarks to every thing else but the issue in controversy, and in that event would have the good fortune to find himself in company with many honorable gentlemen of the other side of the House. Indeed, if he wandered ever so far from the subject, he had the sufficient apology to offer, that he was but retracing those steps from which his eloquent colleague had lately brushed away the dust. He considered the debate, also, of a nature highly interesting to the whole community. The justice and expediency of the war are considered as coming within the scope of the resolutions upon the table, and the arguments of those who commenced it and advocate its continuance, contrasted with the objections of the opposition, will thus be fairly represented to

the view of the people of the United States. It will be their province to decide in favor of the one or the other, and such decision is, at this time, not less desirable than necessary. If their determination shall be in our favor, and that of the war, it is to be hoped it would lead to a union of parties in its prosecution, that will tend not less certainly to a speedy than glorious conclusion. If, on the contrary, it shall be condemned by them as unjust and unnecessary, it will become us to acquiesce in their will, and obtain the most advantageous terms of peace that may be granted by the enemy to an humble and submissive acknowledgment of our error.

The discussion upon this subject is susceptible of being reduced to a single point. The decree of the French Government, formally repealing the Berlin and Milan decrees, so far as they affected the United States, purpose to bear date the 28th April, 1811. It does not appear that this instrument was ever published, or that it was made known to the American Minister until May, 1812, and by him transmitted to his Government. No one has spoken but disclaimed the idea that it ever was known to the Executive of this country prior to that period. In the conversation of Mr. Barlow with the Duke of Bassano, on the 12th of May, the latter stated that this decree had been communicated to Mr. Barlow's predecessor at his court, and also to the French Minister at this place, with orders to transmit it to the Secretary of State. Now, sir, the gentlemen on the other side say, if it was communicated to the President in either way previous to the declaration of war, and by him concealed, no language is capable of depicting the aggravated crime of which he has been guilty. For, if this decree had been made known, the Orders in Council would have been repealed, and this disastrous war, as they style it, never have taken place. To vindicate the honor of the Administration and attach the falsehood where it justly belongs, is the professed object of these resolutions. But, sir, we say, that, admitting what no one believes or pretends to believe, that it was so concealed by the Administration, still we say, had it been presented to the British Ministry, it would not have had the least possible effect in suspending or arresting the war.

The French decree of 28th April, 1811, repeals the Berlin and Milan decrees so far only as they affected the United States. The precise words are, "considered as not having existed in regard to American vessels." If we refer to the whole correspondence between the British and American Ministers, it will plainly appear that this was not such a repeal of the decrees as they required us to produce previous to rescinding their obnoxious edicts. In order not to detain the House by particular references to documents, which have been so much canvassed, I will content myself with recalling to their recollection two or three of the last letters, in which their demands are so explicitly avowed as to be impossible to be mistaken or

misunderstood. In a letter from Lord Wellesley to Mr. Pinkney, of 11th February, 1811, he demanded their absolute and unconditional repeal, not as they affected the United States, but as they regarded all nations; that the commerce of the Continent thereby be restored to the same situation in which it stood previous to their promulgation. As they affected others, we never did or could justly have the least right to interfere.

In a short time after, Mr. Foster in his letter to the Secretary of State, on 8d July, 1811, repeats the same demand in almost the same words and to that he still more unequivocally answered the additional stipulation, that the neutral commerce should be restored to its former situation. This latter demand, in reality, was, and it could be nothing less, considered as a requisition of us to enforce the admission of British goods into those ports of the Continent which had been subsequently subjugated by the French arms. Accordingly, the Secretary of State, in reply, expressed his astonishment at a demand so unusual and unexpected, and desired an explicit answer, whether such an extravagant pretension was maintained by the British Government. In his answer to this, Mr. Foster labors to distinguish what he meant from the inference so easily deducible, not only from the former, but that very letter, and finally envelopes himself in those high-sounding epithets he could assume with so much facility when he speaks of the honor and dignity of the British nation.

If, sir, additional evidence were wanted in so plain a case, I would refer to the last letter of the 10th June, 1812, conclusive of the point, and sufficient to carry conviction to the most sceptical mind. In this memorable letter, written a few days previous to the declaration of war, which was and must have been known to him would follow in that short space, it is to be presumed he would tender the most favorable terms he was authorized, if his Government had been sincerely desirous of adjusting amicably the subsisting differences. From this letter alone, sufficient to silence forever the cavils of the most incredulous, I will conclude this point by reading a short passage: "I have no hesitation, sir, in saying that Great Britain never did, or could, engage to repeal her orders as affecting America alone, leaving them in force against other States, upon condition that France would except singly and specially America from the operation of her decrees."

I will now, sir, proceed to inquire what answer has been given to these facts by the two gentlemen who have stood forward the most conspicuous advocates of the resolutions upon the table. The honorable member from New York has remarked that they are so confused and indistinct that he is unable to understand them. How poor an evasion! how little applicable to expressions not merely as intelligible, but the most forcible of which the language is susceptible! From the gallant manner in which that gentleman presented himself in the van of

the Federal phalanx, I did not expect to hear so humiliating an acknowledgment of his own defeat. The honorable gentleman from North Carolina (Mr. GASTON) declines to take this ground, and displays his superior address by attracting the attention to another view of the subject. He attributes the clear light in which he was compelled to acknowledge that Mr. Foster did place the ultimatum of his Government to the superior diplomatic skill of the American Secretary. This unwilling testimony to the merit of that gentleman was as unexpected as just, and with the same candor, the honorable gentleman might have added, that he is not more distinguished in this correspondence for superior strength of argument and elegance of style than he is elevated by honesty and integrity above Mr. Foster, or any other corrupted minion of British power. The honorable member sickened with the repetition of these documents, and turned from them with disgust, to take a comprehensive view of the political controversy between the two countries. The gentleman was right; in minute detail there was danger; a rigid examination of them would have presented him with facts and arguments impossible to be answered, and which would surpass even his ingenuity to elude. Many others, like himself, have sickened in the perusal, because they place the Administration upon the high and commanding ground they deserve to occupy.

The honorable gentleman from North Carolina infers that they did intend to repeal their Orders in Council had they been furnished with an authentic repeal of the French decrees, because they actually did subsequently repeal them on that ground. But, sir, how was it possible for the Administration to have foreseen so complete a revolution in their designs within so short a period, expressly contrary to their declaration at various times and by so many different persons? We judge of the future actions of men by their professions, and to me the logic is incomprehensible by which we prove a man will perform an act which he declares he will not, merely because, influenced by new reasons, he may subsequently do that very act. It is a useless waste of time to argue further upon this point. That the British Cabinet requires the absolute and unconditional repeal of the Berlin and Milan decrees and the restoration of the commerce of the Continent to its former situation, is proved by the declaration of the Prime Minister himself, by the instructions of the Resident Minister, by all the letters of the latter, and finally by the declaration of the Prince Regent himself.

But, sir, I never believed that it was their intention to rescind the Orders in Council if we could have performed the stipulation they required. In the early correspondence upon the subject, they justified them upon the ground of retaliation, and professed their readiness to proceed step by step with the French Government in the repeal of such as affected the commerce

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of the United States. From this ground they afterwards receded, and annexed the other condition to which I have before alluded. Finally, in the debate in the House of Commons on the 3d of March, what I have no doubt was the original object of the Orders in Council was no longer concealed. It was then substantially avowed by the Minister himself, that they were supported as a system of commercial monopoly which they had the power to enforce, and as a benefit they expected to derive from their naval supremacy.

The honorable gentlemen on the other side have liberally indulged in invective against the Ruler of the French Empire. I sincerely approve their sentiments, and fervently wish a hatred of kings and royalty may be indelibly impressed upon the heart of every American. I most cordially unite with them in an abhorrence of Emperors, over whatever country they may lord it, and by whatever appellation distinguished, whether Napoleon the Conqueror, or Alexander the Deliverer. I am equally indifferent to the personal fate of the Emperor of France, or that of his Empire, whether he fall by the dagger of a Parisian conscript, or be pierced by the lance of a wild and warlike Cossack. And, so far as my country be unaffected, I care not whether his Empire be tumbled into ruin, or whether he still have ability to drive back the torrent of Northern barbarians by whom he is surrounded into their native deserts.

As many gentlemen on the other side have still to speak upon this subject, permit me to point out an object to which they may with equal justice, direct their arrows. The honorable gentlemen may select from the catalogue of vices which have disgraced human nature in public or private life, and a corresponding one will be found to constitute a part of the character of the Prince Regent. This rich and fertile field has been left untouched. The gentlemen have asked why no notice has been taken, not a censure breathed against the wrongs and violence of the Emperor of France. As this surely cannot apply to me, I have the right to retort the inquiry. Why has the conduct of the Regent of England been passed over in silence? That man whose arrogant pretension and long-continued injustice reduced us to the alternative of encountering the calamities of war or submitting to national degradation and dishonor. An honorable gentleman from New York (Mr. SHIPARD) has stigmatized the war as a murderous project, and expressed his hopes and wishes that the money loaned for its support would never be repaid. A venerable member of this House has gone still further—publicly charges the Administration with bribery in procuring the late loans, and declared it the duty of upright men in a future Legislature, to refuse provision for a fulfilment of these usurious contracts. Must not all regret, deplore the frailty of human nature to see that gentleman, influenced by party spirit, tarnish the laurels of his youth, and

in the decline of life consent to abandon those very rights he himself maintained by his pen and defended by his sword!

I am pleased, sir, that the sentiments and designs of the opposition are thus openly avowed to the world. And, sir, I will take the liberty to inform the gentleman from New York, (Mr. GROSVENOR,) that feeble as the Administration may be, and poorly as he may think of them, while such are the opinions of himself and his friends, they will never drive us from our seats.

MONDAY, JUNE 21.

Another member, to wit, from New York, JOHN M. BOWERS, appeared, was qualified, and took his seat.

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The order of the day on Mr. WEBSTER's resolution having been called up,

Mr. ROBERTSON assigned at length the reasons why, although he believed these resolutions wholly unnecessary, he should nevertheless be induced to vote for them.

The question was then taken on agreeing to the first resolution, as follows:

"Resolved, That the President of the United States be requested to inform this House, unless the public interest should in his opinion forbid such communication, when, by whom, and in what manner the first intelligence was given to this Government of the decree of the Government of France, bearing date on the 28th April, 1811, and purporting to be a definitive repeal of the decrees of Berlin and Milan."

And passed in the affirmative—yeas 187, nays 26.

The second resolution having been read—

Mr. BUTLER rose, and said, so long as he entertained a hope that these resolutions would meet the fate they so richly deserved, he felt willing to give a silent vote; but having lost all expectation of a result so desirable, it was proper to render some reasons for voting in the negative.

Sir, said Mr. B., I see no necessity for the information required, and to call on the President for documents that can be of no use, would be improper. We may ask for information without giving the President the reasons, but we certainly ought to have good reasons ourselves for so doing. It has not been once intimated that any act of the Legislature can be founded on the answer expected, much less that we should now declare war against France. I therefore can discover no profitable use that can be made of any answer in the power of the President to give.

It has been said that this inquiry ought to have been made by the friends of the Administration. But as they have neglected their duty, these resolutions were introduced to give the President a fair opportunity, by his answer, to remove the suspicions under which many of the people are laboring.

Sir, if that unfortunate class of the community had believed the most solemn assertions of the President, or even their own senses, in relation to his conduct for forty years past, they would not now be laboring under these painful suspicions. As no part of his conduct has laid the foundation for, or given any support to these suspicions, nothing that he can do, nothing that he can place on paper, will remove them. Should the President give the most satisfactory answer, it would only leave his character on the same high ground on which it now stands, and therefore would contribute nothing to his reputation. I have another reason for voting against the adoption of these resolutions. The same inquiry was made by the last Congress, and received the answer of the President. And will you now repeat the same question in the most inquisitive language? Will you treat the President of the United States in a manner that would be resented by almost every man in private life? Strange marks of distrust and suspicion are to be seen on the very face of these resolutions; the time and manner in which they make their appearance also go to support the same opinions. I consider the introduction of these resolutions an attack upon the Executive of this nation; and when you have made them your own, if I am not mistaken, the world will consider it as made by this House.

Sir, the five resolutions you have had under consideration about a week appear all to be nearly related in form and spirit, and as you have adopted the first, the others will follow of course; but if they pass it must be by the votes of those who are moved by motives that shall not influence me; I will not vote for resolutions that I disapprove, merely to gratify those whom I am persuaded cannot be conciliated. The fear of being accused of having an intention to suppress useful information, will not move me. Conscious of the rectitude of my own intentions, I shall give no vote through fear of accusations founded in falsehood.

We have been told that the time spent in this debate has not been lost: if it has not been worse than lost, it will hereafter give me pleasure to acknowledge my own error.

Sir, I have been in the habit of viewing every man responsible for his own conduct; and this in legislation as elsewhere. And although it is the lot of man to err, it is not to be expected that honest wise men will always be unable to foresee the natural tendency of their own conduct in the plainest cases. If my conduct is such as can produce no other consequences but those that are bad—and this so plain that every person of sane mind must discern it—to what will you ascribe my improper behaviour? To the want of good motives, or the want of discernment? One or the other must be the cause. I have been taught to ascribe no improper motive to any member of this House. I shall be one of the last to transgress your rules; but they will prevent no one from inquiring after the effects

of any measure proposed to the House, or of the tendency of the arguments in support of that measure.

As to the motives of the honorable gentleman from New Hampshire, who introduced all these resolutions, I shall say nothing; I shall treat with equal charity all the arguments offered in their favor. It is sufficient for me to be fully satisfied that they can produce no other consequences than those that are to be deeply lamented. According to all the arguments advanced by gentlemen on the other side of the House, it would appear that either the Government of France, or that of the United States, is responsible for all the blood and treasure that may be wasted in our war with Great Britain. They might as well say, in plain English, that the President and the majority in Congress have been the sole cause of the war. It is only a circuitous course taken to enforce the charge with more effect. Through you all the people of the United States may be told this, and much sophistry urged to support it. I shall not say that the motives were bad; but that the effect must be so, is certain.

But, sir, no friend to our country will doubt, no man of sane mind can refuse his assent to the belief, that such arguments will tend directly to increase party spirit, inflame the public mind, create distrust in the Government, prepare the people for civil commotion, with all its concomitant evils, strengthen the hands of our enemies, and weaken the arms of our own Government. These are some of the natural consequences of such arguments as have been advanced in favor of your resolutions, so far as they gain credit.

In the course of this debate, you have been told of the forbearance and benevolence of the British in their conduct towards our country, since the commencement of the present war. Sir, if you will turn your thoughts and eyes upon those lonely chimneys of private houses, so recently burned that the bricks are scarcely cold, and take into view the slaughtered, defenceless women and children, together with the plundering of private property, both by themselves and spies, on the Atlantic and Western frontier, these facts will afford but little evidence of their humanity, justice, or even honorable warfare.

Mr. Speaker, I have paid particular attention to the correspondence of that Government with our own for several years past; and feel fully persuaded that that Government has assumed to itself principles and rights which, if suffered to grow into national law, would leave us in no better circumstances than colonies to that power.

The question was then taken to agree to the second resolution, as originally proposed, and passed in the affirmative—yeas 137, nays 29.

The question was then taken to agree to the third resolution, as originally proposed, and was passed in the affirmative—yeas 134, nays 30.

The question was then taken to agree to the fourth resolution, as originally proposed, and

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also passed in the affirmative—yeas 125, nays 84.

The fifth resolution being amended by inserting after the word "President," the words "unless the public interest should forbid such a disclosure," the question was taken to agree to that resolution, with the said amendment, and also passed in the affirmative—yeas 93, nays 68.

TUESDAY, June 22.

Another member, to wit, WILLIAM M. RICHARDSON, appeared, was qualified, and took his seat.

SATURDAY, June 26.

Another member, to wit, from Kentucky, SAMUEL HOPKINS, appeared, produced his credentials, was qualified, and took his seat.

TUESDAY, June 29.

Remonstrance of Massachusetts.

Mr. PICKERING presented the Memorial or Remonstrance of the Legislature of Massachusetts against the war; which he read in his place.

After the reading of the remonstrance was concluded—

Mr. PICKERING moved to refer the memorial to a Committee of the Whole on the state of the Union.

Mr. ROBERTSON objected to the reference. He had heard a part of this remonstrance read with great concern, and it should never be referred to any Committee of the House with his consent. He could not consent that that part of the remonstrance which brought into view any thing relating to the sovereignty of Louisiana, should be made a question before this House or any committee of the House. He called upon intelligent members on all sides of the House to frown upon any thing which should place that State in a light different from any other. The State of Louisiana had been admitted into the Union by laws solemnly passed; she had been guilty of no act which could have a tendency to deprive Massachusetts of any right, or any weight in the Union. That State had still her constitutional weight in the nation; she had all the officers belonging to her, and was deprived of no right to which any other State was entitled. If she had not that influence in the nation which she wished, she certainly would not look for its diminution in the abridgment of any constitutional right. She has experienced none. She may look to the diminution of her influence, if she has experienced any, to any other cause quite as rationally as to the introduction of Louisiana into the Union. Long before that event, the Eastern States had lost a considerable portion of that influence which they had previously possessed in the Union. The operation of the provisions of the constitution had produced that effect. As it regarded that portion of the

remonstrance which adverts to the war in which we are engaged, to the manner in which it has been conducted, to the refusal of arms, &c.,—these portions of the remonstrance might give rise to some act, and might or might not be a proper subject of inquiry by the House of Representatives. But what act could grow out of that part complaining of the introduction of Louisiana into the Union? Would this House be so lost to the rights of Louisiana, rights equal to those of any other State; would it be so lost to the rights of that State as to take into consideration the petulant and unfounded complaints against the participation of that State in the Union? Was not every State in the Union interested in guarding against the slightest approach to the investigation of the sovereign rights of States in the Union? Mr. R. said he could not, consistently with his duty to the respectable State he represented, sit silent whilst observations which he would term at least indelicate towards it, were proposed to be seriously taken into consideration by the House; to have withheld his protest on this occasion, would have manifested a want of respect to his constituents and to himself, a want of feeling, which he hoped never to be guilty of. His only object being to express his sentiments on so much of the memorial as relates to Louisiana, he moved to except from the general reference of this memorial so much of it as relates to the admission of Louisiana into the Union.

Mr. PICKERING waived his motion for reference to a Committee of the Whole; he had no objection that for the present the memorial should lie on the table. He would at this time make a remark or two only, in reply to what had fallen from the gentleman from Louisiana. I was, said Mr. P., a member of the Senate, when the treaty ceding Louisiana to us, was ratified. My colleague, John Quincy Adams, voted for its ratification. I beg leave to say, there was not a man then in the Senate who supposed another State might be admitted beyond the original boundary of the Union. In proof of which, I recollect that Mr. Adams argued that the constitution might be so amended as to admit the introduction of such States; and, a very few days after the ratification of the treaty just mentioned, he laid upon the table of the Senate a proposition so to amend the constitution.

Mr. BIGELOW said that this petition contained important matter; that it was decent and respectful in its terms, and entitled to attention. He hoped, therefore, as many had complained that they had not heard it read, that it would be printed for general information. He hoped that a spirit of conciliation would prevail on all sides; that the reasons urged by the Legislature of Massachusetts might be fairly and candidly considered. If those reasons had weight, let the grievances complained of be redressed. If not, let the people of that State be convinced of their error by the answer to be

returned to them. Mr. B. moved to print the remonstrance.

Mr. WRIGHT hoped the remonstrance would not be printed. He hoped nobody wanted a copy of it; sure he was that he did not. As to referring it to a committee, he should be happy to see it referred to the Attorney General of Massachusetts, to whom he thought its libellous character entitled it to be sent.

A conversation took place between Messrs. ROBERTS, McKEE, and BIGELOW, on the former practice of the House in printing papers expressive of the sense of the Legislatures of States in relation to the measures of the General Government.

Mr. MONTGOMERY considered it important that the House should meet this paper, and expose its fallacy, which they could not be enabled to do as well from its bare reading as if it were printed and before them. He wished an opportunity for himself of examining it at leisure, and reading it over and over again. He wished at the same time that the House should meet its reasoning and confute it, as he believed they might readily do.

Mr. MACON regretted that any objection had been made to printing this paper. If we have been in error, said he, no man can object to being convinced of it. It is certainly impossible for any man to understand distinctly so long a paper from merely hearing it read. Suppose this representation had been a very able argument to show that our measures are correct, should we object to its publication? I apprehend not. Massachusetts has done what other States have done before her. She has thought proper to animadvert on our proceedings; and she is entitled to precisely the same respect as every other State, and every other State to the same respect as her. We come here as equals, and I hope as brothers. All truth asks is fair play. If truth be on our side, as I verily believe it is, we are impregnable. The cause of truth will prevail in the end.

Mr. WRIGHT asked, as a question of mere order, whether any paper was admissible in this House, charging the Government, in terms, with a violation of the constitution.

The SPEAKER replied, that was a matter entirely for the decision of the House.

Mr. INGERSOLL said he should vote for printing this memorial entire, notwithstanding what appeared to him to be an excitement of just and honorable feeling in the gentleman from Louisiana against the part he wished to except. He should vote for printing it, because he was of opinion that it was high time to meet this memorial and all such papers on the floor of this House with reason and argument, instead of fervor and passion, which had generally been applied on similar occasions.

Mr. ROBERTS said he was still unfriendly to the printing of this memorial, if it were only for the perfect novelty of thus questioning the sovereignty of a State. He was of opinion that a question ought to be settled, preliminary to

printing this paper, whether the sovereignty of a State ought in any way to be questioned. He hoped it would lie on the table and not be printed.

The question was taken on the remonstrance lying on the table, and carried without a division.

The question recurred on the motion to print the paper, and first on the amendment thereto proposed by Mr. ROBERTSON.

Mr. FISK of Vermont spoke in favor of printing. He considered the remonstrance of an extraordinary character, and, if not intended to effect some extraordinary purpose where it originated, the course now proposed to be taken would give it that effect. If the statements contained in that paper could not be met, it was high time that the party at whom they were levelled was out of power. If it should be refused a hearing, the impression would prevail that it was unanswerable. A spirit of dissatisfaction had reigned in the quarter whence this memorial came, though it had not before been presented to this House. This spirit of opposition would be the evil genius of the country, unless it was quieted by a decisive reply. This paper contained statements, which, with all the defence he was disposed to pay to the Legislature of Massachusetts, were erroneous and unfounded. These statements were before the people. Their good sense would doubtless refute them; but he also wished to see them refuted in this House.

Mr. CALHOUN said if his vote for printing this memorial could be conceived as in any way countenancing the doctrines it contained, he certainly should not vote for it. He certainly never would countenance what might be considered a declaration of war by one State against another. When he gave a vote to publish this paper, he should do it because gentlemen had said they had not an opportunity of hearing it distinctly when it was read. As to the subject of the remonstrance, he was ready to meet it. Congress had declared war from necessity alone, and that they would always be willing and able to vindicate its justice and necessity, he had not the least doubt.

Mr. FARROW said he had not heard the whole of the remonstrance read, but he had heard more than enough of it. He regretted the consumption of time about this affair, and opposed its printing. Every member who wished had an opportunity to read it at the Clerk's table—he would assure those who were desirous of reading it, they would never find him in their way.

Mr. BISS said he should vote against printing as unnecessary; because, when the subject should be taken up again, if no other gentleman did, he should move a reference of the memorial to a select committee, with the view of obtaining a detailed report on it. He considered the memorial, though addressed to this House, as an appeal to the people of Massachusetts, and of the United States, from the decl-

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sion of Congress—he therefore wished a report which should expose the fallacy of its arguments.

Mr. BEIGHAM spoke in favor of treating this petition with all the respect due to its importance and the respectable source from which it came. He was sorry that a disposition was manifested to prevent the remonstrance from coming fairly before the House. This memorial had been addressed to Congress by Massachusetts in the day of her distress. Should not the people of that State have the liberty of stating their complaints? He should be sorry to see gentlemen frown on the petition of an individual, much less of the State of Massachusetts, for whom he claimed no other respect or distinction than that to which all the States in the Union were entitled.

Mr. MAOON said, that whenever the subject of British or French influence was started in this House, the members did just what the two Governments of Great Britain and France, equal in wickedness, wished us to do—widening divisions already sufficiently obvious. Does either of those nations, said he, love a free Government? Has either of them ever protected a free Government any where? If those Governments ever have a secret understanding with people among us, they will not let you know with whom; but they will throw out hints, and make public declarations and insinuations, to sow distrust among a people who are free, and whom they therefore envy and hate. Let us not then help them in the work, but bear with one another.

Mr. BAYLIES rose to support the remonstrance. Being a Representative from the State which had transmitted it—a State whose blood had flowed as freely as that of any other in support of our independence; a State which contributed as much to support it as any other—it was certainly incumbent on him to do his utmost that this memorial should be disposed of in a respectful manner. Why had this memorial, which all appeared to admit to be couched in respectful language, called forth the indignation of gentlemen? The Legislature, availing itself of its constitutional right, had performed that duty which, as guardians of the people's rights, they owed to their constituents; and he trusted, whatever might be said out of the House, that the doctrine never would be countenanced on this floor, that after a measure has become a law, it is not admissible to oppose it. Mr. B. spoke of the sufferings of the people of Massachusetts as being very great, and the sentiments contained in the memorial very general. He urged a temperate consideration of it, and reply or refutation of it if the people were proved to be in error. The gentleman from Maryland had charged this with being a treasonable paper, and of course the Legislature as being guilty of treason. A proper respect for Massachusetts and himself, Mr. B. said, forbade any other reply to such remarks, than that the honorable gentleman was as ignorant of the

principles of free Government as he was of the character of the people of Massachusetts.

The motion to except from printing that part of the memorial which relates to Louisiana, was negatived; and the memorial was ordered to be printed—yeas 108.

Protest of Minority.

Mr. RICHARDSON presented an address of the minority of the Legislature of the State of Massachusetts, protesting against the statements and principles contained in the remonstrance above stated, as unseasonable in their origin, reprehensible in language, erroneous in facts, and pernicious in their effects.—Read, and ordered to lie on the table.

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On motion of Mr. FISK of New York, the House again resolved itself into a Committee of the Whole on the resolution, yesterday submitted by him, for imposing a duty on spirits.

The resolution having been again read—

Mr. INGERSOLL read the following resolutions, which he proposed to offer as amendatory of and additional to that of Mr. FISK:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of taxing all successions to the estates of persons dying after the — day of — next, within the United States, whenever such decedent shall leave a clear estate, real, personal, or mixed, worth five hundred dollars; and that the said committee have leave to report by bill or otherwise.

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of taxing all ascertainable income from all estates, real, personal, and mixed, whenever the yearly amount of income shall exceed five hundred dollars; and that the said committee have leave to report by bill or otherwise.

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of taxing all law suits, offices, and pensions; and that the said committee have leave to report by bill or otherwise.

Mr. INGERSOLL.—Mr. Chairman, as long as the business of this session proceeded without interruption, I held myself bound, by a sense of imperious public duty, to refrain from disturbing it with any observations of mine; and on all the various subjects of debate have never taken the floor, except for a few minutes at an early day after our meeting, when I deemed it necessary to explain my vote to those against whom I gave it. But the harmony and regularity of our progress being now unfortunately broken up by the resolution of the honorable gentleman from New York, (Mr. FISK,) and we in danger, I am afraid, of being cast adrift upon a sea of troubles, the same sense of public propriety which enjoined silence on me heretofore, requires that I should now solicit your patience, and that of the committee, which I am apprehensive I shall severely exercise, during the discussion of the elaborate and uninteresting matters involved in the subject of taxation. Tedious and dull as they are intrinsically, they will prove peculiarly so in my treatment, be-

cause, besides having no ability to impart to them an extraordinary interest, I shall endeavor to restrict myself to the subject to be kept in view. Consecrated as I consider this special session to this special deliberation, and anxious to afford, as far as I am able, without regard to minor considerations, a good system of permanent and productive internal revenue, I beg leave to disclaim all mere party and State professions, to divest myself of their livery, and to approach the inquiry with no other inclination than that for the fairest and most eligible system. I will not, therefore, inflame the debate with the causes of the war which has rendered taxes indispensable. It is enough to say that war, without taxes, is a body without a soul. The physical material you may have without finance; but that moral momentum must be wanting, which gives to the physical material its movement and alacrity. The armor of war is, to be sure, fabricated of iron, but it never will be lasting unless burnished with gold; nor can the attitude of war be what it ought to be—an attitude of defiance and annoyance to the enemy, of protection and safeguard to us—unless it be erected on a well-founded Treasury, capable of perpetual reproductiveness and never-failing replenishment.

The Secretary of the Treasury has recommended taxes to our enactment, as "necessary evils." I do not mean my honorable friend and most worthy townsman, the acting Secretary of the Treasury, but that distinguished Secretary of the Treasury who is now, I suppose, about half seas over on his way to the arctic circle, in pursuit of peace; intoxicated, I am afraid, with vain hopes of at least a very doubtful and dangerous success—a success reposed on the remote and uncertain mediation of a foreign empire, rather than the native energies of our own. Most heartily, for my part, do I wish the Russian mission a speedy accomplishment of all its objects! But, though I have avoided inflaming this debate with a recapitulation of the causes of this just war, permit me to avail myself of this occasion to throw in very briefly my ideas of its legitimate progress and proper termination. If I differ in opinion with any of my friends, as it is an honest difference, there can be no impropriety in my exhibiting the grounds of the sentiments I entertain. I am one of the last individuals in this House who would wantonly utter a disrespectful or ungracious sentiment concerning any of the measures of that Administration, to which I am attached, or toward that excellent person in particular, who, so much to the interest and satisfaction of his country, fills the Executive Magistracy of these United States; whose strong and pervading hold on the confidence and affections of his fellow-citizens have been signally proved within these last few days, by the almost universal expression of their fervent wishes for his recovery from the illness with which he has been visited, and his restoration to the full enjoyment of those eminent faculties which have

always been so exemplarily exerted in the purest public service. But, sir, I espoused this just and inevitable war, not because it was a measure of the present Administration—and I am wedded to its fortunes—not merely because the present Administration is intrusted with its prosecution. My affiance is founded on higher and deeper, I will add nobler principles—principles which will outlive this and every other Administration. I support, and will continue to support, this war, so long as I shall remain in the conscientious belief, together with the majority of the American people, that the hostilities we ought to be waging are indispensable to the welfare, the character, the union, the existence of the nation.

Sir, having said thus much, let me add, with a full foresight of the responsibility I incur—having well considered what I am about to say—and prompted in its public declaration by a powerful sense of public duty, I proceed to add, that I am afraid this war has been mortified with too pacific an aspect; I fear its vigor has been cramped for the purpose of pampering a premature peace. I am as warm a friend to peace as any man, and would subscribe to it on as moderate terms; but after war has been declared, in my humble apprehension, peace-seeking is not the avenue to peace, is not pacific policy. If this war had been waged with a boldness, such as has marked our incessant endeavors to put a stop to it, which have followed each other ever since war was declared, in an increasing ratio of iteration and intensity, I have no doubt that the enemy, long before now, would have been panting for peace, pent up within the walls of Quebec, if indeed even the last resort of his annoyance, the *ultima thule* of his foothold on the North American continent had not been in your safekeeping, a pledge, a mortgage, for a permanent pacification. Instead of which, what is the fact? Turn your eyes, sir, on that quarter, where all the eyes of this country are riveted in aching expectation; look to your lakes, and see a sufficient, well-disciplined and competent force—an army which triumphs in every conflict, in spite of the errors of its commanders—see that army frustrate and idle on the strand, because you have not yet, after a twelve months' war like a peace, the complete command of those inland waters, which are as vitally essential to the well-being, the tranquillity, the security, the integrity of this Union, as the command of this District of Columbia; in my view of both subjects infinitely more so. And why is this? Because, at least I fear it is because, your sinews have been distended towards Russia, instead of Canada.

As soon as war was declared, I would have almost forgotten that we had such an office as the Department of State, much as I revere the irreproachable gentleman in that Department, and would have limited all my views to the belligerent departments, now so well replenished with talents, experience, and competency

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At any rate I would have looked to them alone as long as a remorseless enemy was thundering at the gate with bombardment and conflagration in his train. If I am not mistaken in my historical recollections, in the year 1738, when the English Cabinet sent Mr. Keene as their Minister to Madrid, to treat of the embarrassments at that time superinduced between Spain and England, by the resistance, the pertinacious and invincible resistance, opposed by the latter to a claim of search exercised by the Spanish *Guarda Costa* in the American seas—precisely the same sort of search which England now as pertinaciously and triumphantly asserts—if I am not entirely mistaken, the Spanish Government repelled all discussion, while Admiral Haddock's fleet was hovering in the Mediterranean on the coast of Spain, and insisted on the withdrawal of that fleet as a preliminary *sine qua non* to any overture for peace. If I am not equally mistaken, at a much later period, so recently as 1807, when Sir John Duckworth forced the Dardanelles, and ranged his squadron before Constantinople, with springs on their cables and matches lighted, threatening the favorite residence of the Musselmén with the devastation of their mosques and harems; the Turk, sir, the despised, the outlawed Turk, who never paid a tax but by exaction, peremptorily refused to treat with his invaders, on any terms, until their batteries should no longer overhang the Turkish shore; and Admiral Duckworth with, if I am correct in my remembrance, Mr. Arbuthnot, an able Ambassador on board, as much so probably as Sir John Warren, found it necessary to withdraw without the Dardanelles, in order to open his negotiation. These, sir, indeed, are Moorish precedents, unbecoming perhaps American imitation. But I must confess, when I perceive how this conflict lingers in America, however rapidly it may be hastening, for aught I know of, to a profitable and goodly end in Russia, I do not think it due to that large portion of the community, whose opinions I am sure I speak on this occasion, to refrain from a decided but decorous expression of regret, that the Secretary of the Treasury should have gone—while yet a whole province, I mean the Territory of Michigan, is under the enemy's subjugation—that he should have gone, scorched with the fires of Havre and of Georgetown, coolly to sue for peace, under the influence of the North Pole.

Accede to such a mediation as that of Russia I always would, without a moment's hesitation, and by all fair means cherish the Russian alliance; for undoubtedly Russia is the only European power of the first grade that has always treated America with respect and amity; though, to be sure, not to give Russia more credit than she is entitled to, we never have come in collision with her, and never can, unless we should disagree about the lands in Kamschatka. But move one single furlong from the American soil in quest of peace I never would, under any foreign auspices what-

ever. If we are to be victorious, this is the meridian for victory; if to be vanquished, this is the spot to fall upon. There is no wisdom, no policy, in courting peace; and I do anxiously trust that no hope of peace to be obtained in another hemisphere will be suffered to procrastinate the war in this.

Whether it would be possible, and how long, to carry on the belligerent operations of Government by loans alone, without taxes pledged for their regular and faithful redemption; and whether loans, as a system, be a good or a bad, I am not now about to inquire, though I am inclined to believe, from the abundance of money in the country, and the facility with which it has been procured, provided a high interest is offered, that perhaps for some time it would not be impracticable to obtain such loans. But then it must be in a ratio of interest always increasing, in a ratio of amount obtained always decreasing; and when the economy, independently of the dignity of the Commonwealth, is taken into view, there can be no question of the necessity and advantage of taxation. You otherwise fall into the hands of brokers. You have not incurred that misfortune yet. But as your first interest was six per cent., your second seven and a half, or some fractional sum between seven and eight, I do not know exactly what, nor is it material—so your next must be ten, after that twenty, or some such exorbitant remuneration, and so on until the interest almost equals the principal. That a system of loans, therefore, is a bad system, without a corresponding arrangement of taxes, is not to be disputed.

The Committee of Ways and Means have recommended, as the principal resource, a direct land tax. After we had been engaged for a week and more on the laborious details of this tax, and had arrived, as I flattered myself, very near their termination, most unexpectedly an objection to the whole is stated by the honorable gentleman from New York, who wishes, first, to substitute a whiskey tax to the amount of two millions in the place of the land tax, which he proposes to relinquish altogether; and, secondly, his plan is to convert the whiskey tax from a collection on the capacity, as the committee have reported it, to an excise on the gallon. As to the substitution of the one tax for the other, I am averse to such a change for a variety of reasons. All direct taxes are preferable to indirect taxes, in a republican country; and accordingly, in all the debates on this subject, in 1791, '2, '3, '4, '5, '6, '7, '8, and '9, the republican and agricultural representation in Congress expressed the predilection for such a tax. I do not pretend to be intimate with its details, nor competent to decide on the expediency of one establishment in preference to another. I am not yet perfectly aware of the merits of the controversy involved in the modification introduced by the honorable gentleman from Kentucky, (Mr. MONTGOMERY,) and voted against that modification, not because I

clearly saw that the plan proposed by the committee was preferable in its assessments—for on that point I have not formed a judgment—but because I am convinced that the optional subsequent arrangement should be left with the respective States, as proposed by the committee, and controverted by the honorable gentleman from Kentucky. On that point I have a decided opinion. The *Federalist*, in the 36th and 45th numbers, explicitly asserts the position now taken by the committee; which convinces me that such a method of taxation was contemplated at the moment of the adoption of the constitution; and I am equally clear of its expediency.

A land tax is the principal item of taxation, I believe, in all countries where the agricultural interest predominates. Peuchet, a late French statist, gives the income of France, for 1804, at 684,000,000 of francs; which is about 84,200,000 pounds sterling. Of this sum no less than 206,908,000 proceed from the direct land tax. In England the land tax and assessed taxes afford but 7,899,000 out of an income of 71,000,000, exclusively of loans for the year 1812. So that the land tax in France amounts to nearly one-third of the whole national income, and to but a tenth in England.

The other taxes reported by the committee are mostly the same with those formerly in operation; but altered in their principles of distribution and collection, according to the amendments which experience and time have dictated.

In the tax proposed on pleasure carriages, it appears to me—and at a proper state of the proceeding I intend to submit an amendment to that effect—that by the substitution of pleasure houses for pleasure carriages, we shall equalize the taxation and increase the product. The former carriage tax fell in very unequal burdens on Massachusetts and Virginia; and I should suppose that such a tax would now prove more unequal than it ever was before. But by laying it on pleasure houses instead of pleasure carriages, or on pleasure houses as well as pleasure carriages, the imposition would be equalized.

The sources of income contemplated in the resolutions I have laid on the table, are brought into view, not so much for the purpose of pressing them forward at this session, as in order to show that there probably are as many projects in imagination as there are members in their seats; and if indeed the honorable gentleman from New York persists in his scheme, contrary to the report of the committee, I do not know why every other theorist may not be indulged in the prosecution of his, too. The result of it all will be, I have no doubt—I am certain from reflection and observation on the course of our business—that after floundering for a fortnight, at this intemperate season, through a mire of schemes, we shall at last return, nothing the wiser or nearer our respective objects, to the report of the Committee of Ways and Means. At another session there will be abundant oppor-

tunity for the alteration of such taxes as may be enacted at this, and the introduction of such additional taxes as may be devised.

I am myself attached to a system of income taxes. All economists agree that taxes are preferable which bear on income, to taxes which bear on principal, as I have before intimated. The tax on successions would be a fair and a profitable one, and easy of collection. I would provide for it, as is done in England, by a clause or two in the stamp act, declaring that receipts to executors and administrators should not be valid unless stamped with a particular kind of stamp, together with other securities for the attainment of the tax. The public would thus be, in fact, the heir of every decedent; and his heirs or devisees would be obliged to pay but a small discount on the receipt of their successions. This is a tax as old as the age of Augustus Cæsar, and in operation, I believe, in most of the countries of modern Europe.

The tax on law suits I would arrange also by a clause or more in the stamp act, declaring that, on the institution of any suit for a demand exceeding \$100, the party plaintiff or complainant should be obliged to pay down a certain sum, say never less than one dollar nor more than five, which should abide the event of the action, like other costs. If the plaintiff succeeded, the advance should be refunded to him by taxing it on the defendant. If the defendant succeeded, the plaintiff should not have it back again. I cannot speak with any precision of the number of suits brought in any other jurisdiction than that of the several courts of Philadelphia. I compute there about 8,500 a year. Taking this number of suits, and calculating the product on the whole United States at the same rate, and I make an annual income which might amount to \$800,000, from this item of internal revenue.

But the best of all taxes, in my opinion, is an income tax. It is true it was reserved for one of the last struggles of finance in England, where it did not appear until the time of the late Mr. Pitt. But it affords, as appears by the British budget for 1812, upwards of thirteen millions sterling a year; and must be, of all taxes, the most just, because it is nothing more than a deduction from superfluity and wealth, to be bestowed in the public service. It is perhaps true, that very serious difficulties would occur in its collection. But I do not think it would be found indispensable to put every citizen to his oath as to the amount of his income. The amount might be assessed according to his visible or ostensible property, as I believe is the case with other rates in Philadelphia, leaving to the party a right of appeal in all cases of grievance, but fixing him with the burden of disproving what he had been rated at.

WEDNESDAY, June 30.

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The question, whether the Committee of the

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whole House have leave to sit again on Mr. FISK's resolution for laying an excise on domestic distilled spirits, was taken up and decided in the affirmative—yeas 63, nays 48.

And the further consideration of the same was then postponed to Monday four weeks—yeas 63, nays 61.

The House then resolved itself into a Committee of the Whole on the bills for laying and collecting a direct tax.

The committee proceeded to consider the bill for laying a tax on licenses for distilling.

Mr. TAYLOR, after a speech of considerable length, moved to strike out the whole of the 2d section of the bill, which lays a tax on the capacity of the still.

[A debate of considerable length took place on the motion, in which Messrs. BIBB, DUVAL, WRIGHT, FISK of New York, ROBERTS, FINDLAY, BOWEN, SHIPARD, and PICKENS, successively spoke.]

Mr. DUVAL.—Mr. Chairman, I rise with reluctance to address you on this subject. But the interests of the nation, and particularly the Western States, are deeply concerned in the subject now under consideration. Sir, I was opposed to the amendment offered to this bill by a gentleman from New York (Mr. FISK,) on yesterday, changing its principle by laying an excise duty of nine or twelve cents on each gallon of domestic distilled spirits; and the proposition now made by another honorable member from the same State, (Mr. TAYLOR,) to strike out the first and second sections of this bill, is made with the avowed intention of laying an excise duty on the gallon; it is the same proposition, made only in another manner. I fear, sir, if this motion should prevail, the first and second sections of this bill be lost, and its principle entirely changed, its final passage will be rendered doubtful. I ask but the attention of this committee for a short time to prove to their satisfaction that the motion to strike out ought not to prevail. To do this, I shall not exhaust your patience by a learned display of ancient and modern history, or by a recitation of the fiscal systems of Great Britain and France. For the honorable member from Pennsylvania (Mr. INGERSOLL) has taken a wide and learned view of all these subjects. I shall account myself fortunate if I can come to the point in controversy, and mix up a little common sense in the opinions I shall advance. I admire the book learning that has been displayed by several gentlemen on this subject; but let me assure you that common sense and practical knowledge of the operation of this tax, are worth all the learned theories and disquisitions which we can have on this subject. I ask who are to pay the tax on stills? The people of the Western country, who have already sustained the weight of the war. The people of the Western country, are they to do all the fighting, and to pay all the taxes? Will the people of the South, East, and a great portion of the North pay this tax? No. It will

be paid by the Western people, men without capitals, farmers, whose distance from the seaboard compels them to distill the product of their farms, in order to take it to distant markets in the only shape that can reward them for their labors. The tax, as proposed in the bill reported by the Committee of Ways and Means, is one dollar and eight cents per gallon on the capacity of each still. I fear that this will be more than our farmers can pay; men who are obliged daily to labor on their farms for the support of their families, cannot command the money that will be required to pay the tax on their stills. A license on a still of the capacity of one hundred and fifty gallons, for one year, will amount to one hundred and sixty-two dollars, which not one farmer in two hundred can advance. The certain consequence, then, will be to prevent all who are owners of stills (and who cannot command the amount of duty) from distilling at all. The revenue, contemplated even under the bill as it now stands, will fall far short, I fear, of the calculations already submitted, which is seven hundred and fifty thousand dollars. The tax is now too high. It will not yield as much revenue as can be raised by lessening the duty, for if the duty was seventy-five cents per gallon upon the capacity of the still, I assert that three stills would be in operation under the duty, when not more than one in five will be employed under the regulations which are now submitted by the bill as reported. But change the principle of this bill, and lay an excise of nine or twelve cents on each gallon of domestic spirits distilled, and, I venture to predict, that the revenue from this source will be but an illusion. Men in moderate circumstances, and such constitute the large body of the people in the Western States, will be completely debarred of the use of their stills, and the Government defeated of its revenue by an avaricious and over-calculating spirit. The thousands that this tax has been calculated to produce will vanish like a morning dream. If it is our serious business to raise money for the war, let me ask if it is wise or prudent to lay such a weight on one article, when it is evident that, if overstrained, it will sink at once with all our prospects, all our hopes of revenue? I was surprised when I heard the gentleman from New York (Mr. FISK) gravely tell you, that the whole revenue now wanted by the Government, ought to, and could, be raised by an excise on distilled spirits. But, surprise was changed to astonishment when that gentleman said a revenue of twenty-five millions of dollars could be raised in the way proposed, and that he would vote for the raising of that sum if necessary. Yes, sir, I have no doubt that that gentleman and many others will vote for laying an extravagant excise on distilled spirits, because they hope by doing so to avoid (what they view with trembling apprehension) a direct tax; their own constituents will not then feel the weight of the taxes, and if this motion

shall prevail, it will exempt them from the burden of the Government. This course of legislation is, I suppose, what some gentlemen call patriotic—supporting the war with vigor by shuffling the burdens of it from their own on the shoulders of others. If so, let them boast of their virtue and patriotism in voting for the only tax that cannot reach their constituents. Such refined patriotism does not belong to the Western people. I, sir, shall vote for the bill as reported by the Committee of Ways and Means, not because I think it equal, but because the situation of this nation demands that we raise a revenue; because, if this law laying a duty on stills does not pass, no other tax bill will get through this House. The tax on stills has never been popular in my State, and I do not expect it will be approved of by every person in my district. The great body of the people of the Western States will, however, submit with cheerfulness, as they know the necessity that requires them to contribute to the National Treasury, is of first importance to the Union. I know that gentlemen in the Opposition have said publicly that the people will not submit to be taxed, because they objected to taxes under Mr. Adams' Administration.

THURSDAY, July 1.

Ways and Means.

An engrossed bill for the assessment and collection of direct taxes and internal duties was read the third time; and, on the question that the same do pass, it passed in the affirmative—yeas 94, nays 63, as follows:

YEAS.—Messrs. Alexander, Alston, Anderson, Archer, Bard, Barnett, Bibb, Bowen, Brown, Burwell, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Conard, Crawford, Creighton, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Earle, Evans, Farrow, Findlay, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Griffin, Grundy, Hall, Hasbrouck, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford, Hyneman, Ingersoll, Ingham, Jackson of Virginia, Kent of Maryland, Kerr, Kershaw, King of North Carolina, Lefferts, Lyle, Macon, McCoy, McKee, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Ringgold, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Smith of Pennsylvania, Smith of Virginia, Tannehill, Taylor, Telfair, Troup, Whitehill, Wilson of Pennsylvania, Wood, Wright, and Yancey.

NAYS.—Messrs. Baylies of Mass., Benson, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Butler, Caperton, Champion, Cilley, Cooper, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Geddes, Goldsborough, Grosvenor, Hale, Hanson, Howell, Jackson of Rhode Island, Kennedy, Kent of New York, King of Massachusetts, Lewis, Lovett, Markell, Miller, Moffit, Mosely, Oakley, Pearson, Pickering, Pitkin, Post, John Reed, Ridgely, Schureman, Sheffey, Sherwood, Shepard, Skinner, Smith of New Hampshire, Smith of New York, Stanford, Stockton,

Strong, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, Wilcox, Wilson of Massachusetts, and Winter.

FRIDAY, July 2.

The Ways and Means.

The engrossed bill to lay a duty on licenses to distillers of spirituous liquors, was read a third time.

[This bill proposes a duty on licenses to distillers, as follows: For the employment of a still or stills employed in distilling spirits from domestic materials; for two weeks, nine cents for each gallon of the capacity thereof, including the head; for one month, eighteen cents; for two months, thirty-two cents; for three months, forty-two cents; for four months, fifty-two cents; for six months, seventy cents; for one year, one hundred and eight cents for each gallon of its capacity as aforesaid. For a license for the employment of a still or stills in the distillation of spirits from foreign materials: for one month, twenty-five cents for each gallon of its capacity, for three months, sixty cents; for six months; one hundred and five cents; for one year, one hundred and thirty-five cents for each gallon of its capacity. And for every boiler, however constructed, employed in distilleries by steam, double the amount on each gallon of its capacity, which would be payable for said license if granted for the same terms and to employ the same materials for a still.]

The bill was passed, by the following vote:

YEAS.—Messrs. Alexander, Alston, Anderson, Archer, Barnett, Beall, Bibb, Bowen, Brown, Burwell, Caldwell, Calhoun, Chappell, Cheves, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Denoyelles, Duvall, Earle, Evans, Farrow, Findlay, Fisk of New York, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hopkins of Kentucky, Hubbard, Hungerford, Hyneman, Ingham, Irwin, Jackson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, King of North Carolina, Lefferts, Lyle, Macon, McCoy, McKee, McKim, McLean, Moore, Murfree, Newton, Pickens, Piper, Pleasants, Rhea of Tennessee, Rich, Roane, Roberts, Robertson, Sevier, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wood, Wright, and Yancey—85.

NAYS.—Messrs. Baylies of Mass., Benson, Bowers, Bradbury, Breckenridge, Brigham, Champion, Cilley, Cox, Culpeper, Davenport, Desha, Ely, Gaston, Geddes, Howell, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lovett, Markell, Moffit, Mosely, Oakley, Pearson, Pitkin, Post, Potter, John Reed, William Reed, Ruggles, Schureman, Shepard, Smith of New Hampshire, Smith of New York, Stanford, Stockton, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, and Winter—49.

MONDAY, July 12.

Answer to Mr. Webster's Resolutions.

Two Messages were received from the PRESIDENT OF THE UNITED STATES, as follows:

JULY, 1813.]

Tax on Bank Notes.

[H. OF R.]

To the House of Representatives of the United States :

I transmit to the House of Representatives a report of the Secretary of State, containing the information requested by their resolutions of the 21st of June last.

JAMES MADISON.

WASHINGTON, July 12, 1813.

To the House of Representatives of the United States :

I transmit to the House of Representatives a report of the Secretary of State, containing the information requested by their resolution of the 21st of June last.

JAMES MADISON.

WASHINGTON, July 12, 1813.

The Messages and documents being read, were referred to the Committee of Foreign Relations, and five thousand copies of said Messages and documents ordered to be printed.

Encouragement to Privateers.

The unfinished business was resumed, viz: the consideration of the bill "to relinquish the claims of the United States to certain goods, wares, and merchandise, captured by private armed vessels."

[This bill releases all right and claim accruing to the United States, under the non-importation laws, to goods, wares, or merchandise, the property of British subjects, shipped from British ports since the declaration of war, which, having been captured by private armed vessels on the high and open seas, have been libelled and claimed in the courts of the United States, in all cases where such goods, &c., shall be condemned as prize of war, for the benefit of the captors, &c.]

The question on the passage of the bill was carried—79 to 64, as follows:

YEAS.—Messrs. Alexander, Alston, Anderson, Avery, Bard, Barnett, Beall, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Clark, Clifton, Condict, Conard, Creighton, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Duvall, Earle, Evans, Findlay, Fisk of Vermont, Forney, Franklin, Gourdin, Goodwyn, Griffin, Grundy, Hall, Harris, Hasbrouck, Hopkins of Kentucky, Hubbard, Humphreys, Hyeman, Ingersoll, Ingham, Irwin, Kent of Maryland, Kerr, Kerahaw, Lefferts, Lyle, Macon, McCoy, McKim, McLean, Moore, Nelson, Newton, Ormsby, Parker, Pickens, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Robertson, Sage, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Wilson of Pennsylvania, Wright, and Yancey.

NAYS.—Messrs. Archer, Baylies of Massachusetts, Benson, Bigelow, Bowers, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cheves, Cilley, Cox, Cooper, Culpeper, Davenport, Ely, Farrow, Forsyth, Gaston, Geddes, Gholson, Goldsborough, Grosvenor, Hale, Hanson, Hawes, Hufty, Hungerford, Jackson of Rhode Island, Kennedy, Kent of New York, King of Massachusetts, King of North Carolina, Lewis, Lovett, Lowndes, McKee, Miller, Mosely, Oakley, Pearson, Pickering, Pitkin, Potter, Richardson, Ridgely, Ruggles, Schureman, Sheffield, Sherwood, Shipard, Smith of New York, Stanford, Stuart, Sturges, Taggart, Thompson, Vose, Ward of Massachusetts, Wheaton, Wilcox, Winter, and Wood.

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TUESDAY, July 18.

Foreign Relations.

Mr. CALHOUN, from the Committee on Foreign Relations, made the following report:

The Committee of Foreign Relations, to whom was referred the President's Message of the 12th instant, and the accompanying documents, report: That they have examined the Message and documents with all the attention their importance demands. Your committee will not indulge themselves in making the various observations which the interesting subjects brought under their consideration naturally suggest. The delay incident to such a course, connected with the lateness of the session and the advanced season of the year, forbid so wide a range; but they cannot abstain from remarking that, while the Message and documents furnish strong additional proof of the justice and necessity of the war, they also present powerful motives for the steady and vigorous prosecution of it, and the surest means of a safe and honorable peace. It can now no longer be doubted, that it was the pressure of our measures, combined with the determination of Congress to redress our wrongs by arms, and not the repeal of the French decrees, that broke down the Orders in Council of 1807 and 1809; that dangerous system of monopoly by which we were, as to our commerce, in fact recolonized. Let us then persevere, and under a just Providence we doubt not of final success. The reward is worthy of the cost and privation. It is no less than the lasting peace and independence of ourselves, and our posterity.

There is another view of the subject which your committee are compelled to present to the House. It is due to justice to consider the Message and documents in relation to the conduct of the Executive. They are aware that on ordinary occasions it is not proper for this House to express sentiments of approbation or censure on the conduct of the President, but submit with deference, that as through this body he is responsible to the people for the faithful discharge of his duties, there are cases in which it is not only the right but the duty of this House to express its opinion. Such, in the judgment of your committee, is the present. The language of the resolutions, and the motives avowed by their supporters, leave no alternative. To be silent, would be to condemn. Upon a full investigation of the conduct of the Executive in relation to Great Britain and France, as disclosed in the Message and documents, your committee are of opinion, that a just course has been pursued towards both nations, and in no instance has the dignity, honor or interests of the United States been compromised.

Your committee therefore recommend the adoption of the following resolution:

"Resolved, That the conduct of the Executive in relation to the various subjects referred to in the resolutions of the 21st day of June, 1813, meets with the approbation of this House."

WEDNESDAY, July 14.

Tax on Bank Notes.

The Committee of the Whole then took up the bill laying a duty on bank notes, notes of hand, and foreign bills of exchange of certain descriptions.

Mr. BIBB explained the grounds on which he supported this measure at the present time.

Mr. TAYLOR, after some explanatory remarks, going to show the difficulty of collecting a revenue on stamped paper, and the great inconveniences of such a tax on the people, made a motion to strike out a part of the first section of the bill for laying a tax on promissory notes, &c., so as to impose a duty on bank notes alone.

Considerable discussion arose on this motion, in which Messrs. TAYLOR, WRIGHT, and JACKSON supported the amendment; and Messrs. BIBB, ROBERTS, CLAY, and SEYBERT, opposed it. The question was taken and decided in the negative—ayes 84, noes 64.

The Speaker (Mr. CLAY) then moved to amend the bill, so as to confine the tax on notes, &c., to those negotiated at banks, with a view to except from stamp duties the ordinary country transactions by notes, &c.; which motion Mr. C. supported by a luminous and comprehensive view of the expediency and policy of the course he proposed.

After some remarks from Mr. JACKSON, approving the proposition of Mr. CLAY, but suggesting a variation of the proposed mode of collecting the tax, and in opposition to the amendment from Mr. WRIGHT, the question was taken on Mr. CLAY's motion, and carried without a division.

The bill having been gone through, and some further amendments made thereto, the committee rose, reported the bill to the House as amended, and obtained leave to sit again on the remaining tax bills.

THURSDAY, July 15.

The House resumed the consideration of the amendments reported by the Committee of the Whole to the bill laying duties on bank notes, and on notes of hand, and foreign bills of exchange, of certain descriptions; and the said amendments being again read at the Clerk's table, were severally concurred in by the House.

A motion was then made by Mr. KING of Massachusetts, further to amend the bill by adopting the following proviso to the end of the first section, to wit:

"Provided further, That where any bank, by the existing laws of any State, now pays a tax on the capital stock or dividend of such bank to such State, such tax shall be deducted from the amount of the tax imposed by this act."

And the question being taken it was determined in the negative.

Mr. KING again moved further to amend the bill, by adding the following proviso to the end of the second section, to wit:

"Provided, That where any bank, by the existing laws of any State, now pays a tax to such State on the capital stock or dividend of such bank, such tax shall be deducted from the composition allowed by this act; provided it does not exceed one per cent. on the amount of the annual dividend of such bank."

And the question being taken, it was determined in the negative.

The said bill was further amended, and on the question that the same be engrossed for a third reading, it passed in the affirmative; yeas 90, nays 50, as follows:

YEAS.—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bibb, Bowen, Brown, Burwell, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Condict, Couard, Crawford, Creighton, Davis of Pennsylvania, Dawson, Desha, Duvall, Eppea, Evans, Farrow, Findlay, Forney, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford, Hyneman, Ingersoll, Ingham, Irwin, Kennedy, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, Macon, McCoy, McKee, McLean, Montgomery, Moore, Murfree, Nelson, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Roane, Roberts, Robertson, Sevier, Seybert, Sharp, Smith of Pennsylvania, Smith of Virginia, Tannehill, Taylor, Telfair, Troup, Whitehill, Wilson of Pennsylvania, and Yancey.

NAYS.—Messrs. Baylies of Massachusetts, Benson, Bigelow, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Culpeper, Davenport, Ely, Fisk of Vermont, Gaston, Geddes, Gloninger, Goldsborough, Grosvenor, Hanson, Hufty, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, McKim, Miller, Mosely, Oakley, Parker, Pearson, Pickering, Pitkin, Potter, John Reed, Ruggles, Sheffield, Sherwood, Shipard, Stanford, Stuart, Sturges, Thompson, Vose, Ward of New Jersey, White, Wilcox, Wilson of Massachusetts, Winter, and Wright.

The bill was then ordered to be read the third time to-morrow.

FRIDAY, July 16.

Salt Tax, and Fishing Bounties and Allowances.

The House resumed the consideration of the bill to lay a duty on imported salt. The question recurred on concurring in the second amendment reported by the Committee of the whole House.

A motion was made by Mr. MACON, to amend the said amendment, by inserting the following section, to come in as the third section of the bill:

SEC. 3. And be it further enacted, That no bounty, drawback, or allowance, shall be made, under the authority of this act, unless it shall be proved, to the satisfaction of the Collector, that the pickled fish or salted provisions for which the bounty, drawback, or allowance, shall be claimed, was wholly cured with foreign salt, and on which a duty shall have been secured or paid.

Mr. JOHN REED—Mr. Speaker, it was not my intention to have troubled this House with any observations at this time. But, sir, I consider it my duty to offer some plain and obvious reasons in favor of the proposed amendment; and also to read some extracts from an able and elaborate report of a former Secretary of State on the subject.

JULY, 1818.]

Encouragement to Privateers.

[H. OF R.]

The amendment now under consideration, to the bill laying a duty of twenty cents per bushel on imported salt, makes an allowance to vessels engaged in the cod fisheries under certain limitations and restrictions as therein provided, and also allows a drawback on the exportation of pickled fish and salted provisions. The allowance and drawback above mentioned are intended as an equivalent to the duty paid on the salt used in the curing and preserving fish and meat.

I would state to this House that, in the curing and preserving codfish, great quantities of salt, especially in comparison with the value of fish cured and preserved, are absolutely requisite. I believe the remark equally true as it respects pickled fish.

If a duty of twenty cents per bushel be laid on all foreign salt, as contemplated by the bill on your table, and the proposed amendment should not prevail, this tax would be oppressive on fishermen beyond all precedent or endurance.

Shall I be permitted to state some cases for the consideration of this House? Suppose a fishing vessel of seventy tons burden use 1,500 bushels of salt in the fishing season; a duty of twenty cents per bushel would amount to three hundred dollars. If all the profits to all the fishermen and owners of such vessel as I have described during the fishing seasons and markets would amount to nine hundred dollars, then, by the proposed tax of three hundred, you take from their pockets 83 $\frac{1}{3}$ per cent., or one-third part of all the income and profits of fishermen.

The gentleman from North Carolina (Mr. PICKENS) has several times addressed this House on the proposed amendment. That gentleman observed yesterday that the salt tax would bear very hard on his constituents. He stated that in the district he had the honor to represent, salt sold for about two dollars per bushel, that the addition of twenty cents would be a severe burden; at the same time, that gentleman seems much opposed to any amendment which has for its object the relief of any portion of the community from the proposed duty. Other gentlemen have advanced the same sentiments. If a farmer use fifteen or thirty bushels of salt he must pay a tax to this Government of three dollars or six dollars. If a fisherman, possessed of the same value of property, and having the same income, should use 1,500 or 3,000 bushels of salt, of course he would pay a tax to this Government of three hundred or six hundred dollars. The hypothetical statements I have made, I believe substantially true. I will not for a moment believe any gentleman in this House, while he complains of burdens about to be laid on his own constituents, almost too heavy to be borne, will consent to lay burdens one hundred fold heavier on any portion of the inhabitants of any section of the United States.

Again, by the constitution we have no power to tax the exports of our own country; and by a provision in the bill on your table, conforma-

ble to the uniform policy of the country, when salt imported is again exported, a drawback is allowed. If no duty can be laid on our own exports, and a drawback of duties paid be allowed on the exportation of foreign merchandise, I am unable to perceive any good reason, founded either in justice or the fitness of things, why those who pay the duties on salt necessarily used in preserving fish and meats should not be entitled to the like advantages on the exportation of the same, as they would have been, if the salt had not been usefully employed. It can certainly be no objection in the mind of any man that the salt is incorporated with the fish—a production of this country of so little profit to the fisherman and so highly advantageous to the United States. The quantity of salt necessarily used can be easily ascertained. I do not believe the allowance proposed adequate to the duty on salt which must necessarily be used. It certainly ought to be our object to tax every portion of the inhabitants of the United States as equally as possible. It is my solemn and deliberate opinion that those engaged in the fisheries now pay this Government more, in proportion to the value of their property, than any other class of citizens in the United States. They pay various taxes not known to those not engaged in navigation. Tonnage duty alone, and the trouble and vexation of paying it, is a much heavier tax than the land and house tax, so much feared and dreaded. I can by no means agree with the honorable gentleman from Virginia, who stated a few days since that ship owners did not at all regard the tonnage duty, as they charged it to the consumers. To fishermen, at least, it is a tax. It takes the money directly from them, and places it in your treasury. They can recover nothing of the tax paid from the consumers, as European nations are the consumers, and we are wholly unable to regulate or control their markets. The above remark is equally true and applicable to the duty paid on salt.

The amendment proposed is most important as it affects the interests of the nation. You can obtain little from fishermen. The business is too poor; it will not afford it. They are now distressed more than any other class of citizens. I assure you they cannot pay into your treasury one-third of all the profits of their voyages. If, therefore, you prosecute the notions of some, you may destroy the fisheries, but will gain very little revenue.

SATURDAY, July 17.

Encouragement to Privateers.

Mr. NELSON submitted the following resolutions for consideration:

1. *Resolved*, That the Committee on Naval Affairs be instructed to inquire into the expediency of affording encouragement to the private armed vessels of the United States to cruise against the ships and vessels of the enemy, by diminishing the duties on prizes and prize goods captured by them; and that they have leave to report by bill, or otherwise.

2. *Resolved*, That the Naval Committee be instructed to inquire into the expediency of encouraging the private armed ships of the United States to capture the officers, seamen, and marines, of the enemy, by holding out the offer of a bounty for all such captives.

A motion was made by Mr. BIBB to amend the first resolution, by striking out the words "by diminishing the duties on prizes and prize goods, captured by them, or by permitting them to bring into port, free from duty, all prizes and prize goods." And the question being taken, it was determined in the negative.

A motion was made by Mr. INGHAM to amend the first resolution, by striking out the words "or by permitting them to bring into port, free from duty, all prizes and prize goods." And the question thereon being taken, it passed in the affirmative.

A division of the question to agree to the said resolutions was called for: Upon which, the question was taken on the first resolution, as amended and passed in the affirmative—yeas 86, nays 51.

The second resolution was then agreed to by the House.

TUESDAY, July 20.

Foreign Relations.

Mr. CALHOUN moved for the consideration of the report of the Committee of Foreign Relations on the President's Message, transmitting a report from the Secretary of State on Mr. Webster's resolutions. This motion was lost—yeas 62, nays 74.

WEDNESDAY, July 21.

Mr. NELSON, from the Committee on the Naval Establishment, reported a bill allowing a bounty to the owners, officers, and crews, of the private armed vessels; which was read twice, and committed to a Committee of the Whole to-day.

FRIDAY, July 23.

The Ways and Means.

The House resolved itself into a Committee of the Whole on the bill authorizing a loan for a sum not exceeding — dollars. The bill was reported with an amendment thereto, by filling the blank with the words "seven millions five hundred thousand;" which was concurred in by the House.

TUESDAY, July 27.

Encouragement to Privateers, by reducing duties on Prize Goods.

The engrossed bill, "for reducing the duties payable on prize goods captured by the private armed vessels of the United States," was read a third time.

And on the question, "Shall the bill pass?"

it passed in the affirmative—yeas 69, nays 37, as follows:

YEAS.—Messrs. Alston, Anderson, Archer, Bard, Beall, Bowen, Butler, Caldwell, Chappell, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Dawson, Deaha, Duvall, Earle, Farrow, Findley, Flak of Vermont, Forney, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Hasbrouck, Hopkins of Kentucky, Hubbard, Humphreys, Hyneman, Ingersoll, Irwin, Kennedy, Kerr, King of North Carolina, Leferts, Lyle, McCoy, McKim, McLean, Montgomery, Moore, Nelson, Newton, Parker, Pickens, Res of Penn., Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Sevier, Sharp, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Wilson of Pennsylvania, and Yancey.

NAYS.—Messrs. Bayly of Virginia, Bigelow, Champion, Cilley, Culpeper, Davenport, Ely, Eppea, Forsyth, Gloninger, Goldsborough, Hawes, Hufty, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Mosely, Pearson, Pickering, Pitkin, Potter, John Reed, Ridgely, Ruggles, Sheffey, Sherwood, Stanford, Stuart, Sturges, Thompson, Vose, Wright, Wilson of Massachusetts, and Winter.

Honors to General Pike and Captain Lawrence.

The following resolution was submitted by Mr. NELSON:

"*Resolved*, That a committee be appointed to examine and report on the propriety of conferring public honors on the memory of James Lawrence, late Captain of the United States frigate Chesapeake, and of Zebulon M. Pike, late a Brigadier General in the Armies of the United States, whose distinguished death in the service of their country add lustre to the character of the American nation; the propriety of adopting, as the peculiar children of the Republic, the sons of these distinguished heroes, and the propriety of making provision for the support and comfort of the families of these deceased officers."

The resolution was read, and debate arising thereon, the House adjourned.

WEDNESDAY, July 28.

Appropriation Bill—Compensation to Ministers.

The House again in Committee of the Whole on the additional appropriation bill. The amount of \$48,000 proposed to be appropriated to defray expenses of the Russian mission, was reduced to \$38,500, with a view of allowing to John Q. Adams, for his services on said mission, \$4,500 instead of the usual outfit of \$2,000 proposed by the Committee of Ways and Means to be allowed to him.

A motion was made by Mr. WRIGHT to amend the bill by adding thereto the following proviso:

"*Provided*, That no compensation be made to John Q. Adams, Minister Resident, unless the British Government agree to send a Minister or Ministers to the mediation of the Emperor of Russia. *And, provided*, That the Secretary of the Treasury receive no part of the salary of the Secretary of the Treasury during

JULY, 1818.]

British Barbarities.

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the time he shall be absent from the seat of Government on said mission."

And the question being taken on said motion, was decided in the negative.

A motion was then made by Mr. SHEFFEY to add the following proviso to the end of a section of the bill:

"Provided, That nothing in this or any other act contained shall be construed to authorize any allowance to the Minister Plenipotentiary of the United States, resident at the Court of St. Petersburg, for any services as Minister to negotiate a Treaty of Peace with Great Britain, beyond the sum of \$4,500, included in the appropriation hereinbefore mentioned; which sum is hereby authorized to be paid to the said Minister, if the President shall deem it proper."

And, after much debate, the question thereon being taken by yeas and nays, it appeared that there were for the amendment 55, against it 55.

The House being equally divided, the SPEAKER decided the said question in the negative. And the bill was ordered to be engrossed for a third reading to-morrow.

Bounty to Privateers.

The bill allowing a bounty to the owners, officers, and crews of the private armed vessels of the United States, passed through a Committee of the Whole, and was ordered to be engrossed for a third reading to-morrow, in the following words:

A bill allowing a bounty to the owners, officers, and crews of private armed vessels.

Be it enacted, &c., That a bounty of twenty-five dollars be paid to the owners, officers, and crews of the private armed vessels of the United States, commissioned as letters of marque, for each and every prisoner by them captured and brought into port, and delivered to an agent authorized to receive them, in any part of the United States; and that the Secretary of the Treasury is hereby authorized and required to pay or cause to be paid to such owners, officers, and crews of private armed vessels commissioned as aforesaid, or their agent, the aforesaid bounty for each person captured and delivered as aforesaid.

And be it further enacted, That the sum of fifty thousand dollars, out of any money in the Treasury not otherwise appropriated, be, and the same is hereby appropriated.

THURSDAY, July 29.

British Licenses.

The House went into Committee of the Whole on the bill to prohibit the use of licenses or passes issued by the Government of Great Britain.

After several ineffectual attempts to amend the bill, the committee rose and reported it without amendment.

The bill was then read the third time, and passed, yeas 78, nays 38.

SATURDAY, July 31.

British Barbarities.

Mr. MACOS, from the committee to whom was

referred that part of the President's Message which relates to the spirit and manner in which the war has been waged by the enemy; made a report, including a voluminous mass of testimony on the subject. The report is as follows.

The committee, to whom was referred that part of the President's Message which relates to the spirit and manner in which the war has been waged by the enemy, report:

That they have collected and arranged all the testimony on this subject which could at this time be procured. This testimony is submitted to the consideration of the House, arranged under the following heads:

1. Bad treatment of American prisoners;
2. Detention of American prisoners as British subjects, on the plea of nativity in the dominions of Great Britain, or of naturalization;
3. Detention of mariners as prisoners of war, who were in England when the war was declared;
4. Compulsory service of impressed American seamen on board British ships of war;
5. Violation of flags of truce;
6. Ransom of American prisoners from Indians in the British service;
7. Pillage and destruction of private property on the Chesapeake Bay, and in the neighboring country;
8. Massacre and burning of American prisoners surrendered to officers of Great Britain, by Indians in the British service; abandonment of the remains of Americans killed in battle, or murdered after the surrender to the British; the pillage and shooting of American citizens, and the burning of their houses after surrender to the British under the guarantee of protection;
9. Outrages at Hampton, in Virginia.

The evidence under the first head demonstrates that the British Government has adopted a rigor of regulation unfriendly to the comfort, and apparently unnecessary to the safekeeping of American prisoners generally. It shows, also, instances of a departure from the customary rules of war by the selection and confinement in close prisons of particular persons, and the transportation of them for undefined causes from the ports of the British colonies to the island of Great Britain.

The evidence under the second head establishes the fact, that however the practice of detaining American citizens as British subjects may be regarded as to the principle it involves, that such detentions continue to occur through the agency of the naval and other commanders of that Government. It proves, too, that however unwilling to allow other nations to naturalize her subjects, Great Britain is disposed to enforce the obligation entered into by their citizens when naturalized under her own laws. This practice, even supposing the release of every person thus detained, obviously subjects our captured citizens, upon mere suspicion, to hardships and perils from which they ought to be exempt according to the established rules in relation to prisoners of war.

The evidence under the third head shows, that while all other American citizens were permitted to depart within a reasonable time after the declaration of war, all mariners who were in the dominions of Great Britain, whether they resorted to her ports in time of peace for lawful purposes, or were forced into them under pretence of illegal commerce, are considered prisoners of war. The injustice of this exception

is not more apparent than the jealousy it discloses towards that useful class of our fellow-citizens. But the committee can but remark, that if the practice of hiring American seamen to navigate British vessels is generally adopted and authorized, and that it is suffered, appears from the advertisement of George Maude, the British agent at Port Royal, which is to be found with the testimony collected under the first head, that the naval strength of that empire will be increased in proportion to the number of our seamen in bondage. The present war having changed the relation of the two countries, the pretended right of impressment can no longer be exercised, but the same end may be accomplished by the substitution of this mode. Every seaman thus employed (the terms of whose engagement have not been ascertained) increases the naval strength of the enemy, not only by depriving the United States of his active services, but by enabling Great Britain to carry on and even extend her commerce without diminishing the number of sailors employed in her vessels of war.

The testimony collected under the fourth head proves, that it is the ordinary practice of the officers of British armed vessels to force impressed Americans to serve against their country by threats, by corporal punishment, and even by the fear of immediate execution; an instructing commentary upon the professions of the Government of its readiness to release impressed American seamen found on board ships of war!

On the evidence collected under the fifth head, it is only necessary to observe that, in one case, the case of Dr. McKeehan, the enormity is increased by the circumstances of the flag being divested of every thing of a hostile character, having solely for its object the relief of the wounded and suffering prisoners who were taken at the river Raisin, on the 22d January, 1813. The treatment of Dr. McKeehan, not by the allies of Great Britain, but by the officers of her army, can only be rationally accounted for by the supposition, that it was considered good policy to deter American surgeons from going to the relief of their countrymen, as the Indian surgeons had a more speedy and effectual mode of relieving their sufferings.

The evidence respecting the ransom of American prisoners from Indians, collected under the sixth head, deserves attention, principally from the policy it indicates, and as it is connected with Indian cruelties. Considering the savages as an auxiliary military force, in the pay of Great Britain, the amount of ransom may be regarded as part of their stipulated compensation for military service; and as ransoms would be increased and their value enhanced by the terror inspired by the most shocking barbarities, it may be fairly concluded, whatever may be the intention of the British Government, that the practice of redeeming captives by pecuniary means will be occasionally quickened by the butchery of our fellow citizens, and by indignities offered to their remains; as long as the Indians are employed by the enemy. The justice of this conclusion is confirmed by the testimony of those witnesses who were retained after ransom as prisoners of war.

The testimony collected under the seventh head shows, that the private property of unarmed citizens has been pillaged by the officers and crews of the British vessels of war on our coast, their houses burnt, and places of public worship mutilated and defiled. It appears that the officers, animated by the presence of Admiral Cockburn, particularly distinguished

themselves in these exploits. This evidence proves, that they were governed by the combined motives of avarice and revenge; not satisfied with bearing off, for their own convenience, the valuable articles found, the others which furnished no allurements to their cupidity, were wantonly defaced and destroyed. It has been alleged, in palliation of these acts of wanton cruelty, that a flag sent on shore by the Admiral was fired upon by the American militia. The evidence proves this not to be the fact. This pretence has been resorted to only to excuse conduct which no circumstances can justify.

The committee forbear to make any observations upon the testimony collected under the eighth head, from a perfect conviction that no person of this or any other nation can read the simple narrative of the different witnesses of the grossest violations of honor, justice, and humanity, without the strongest emotions of indignation and horror. That these outrages were perpetrated by Indians, is neither palliation nor excuse. Every civilized nation is answerable for the conduct of the allies under their command, and while they partake of the advantages of their success, they are equally partakers of the odium of their crimes. The British forces concerned in the affair of the 22d, at the river Raisin, are more deeply implicated in the infamy of these transactions than by this mode of reasoning, however correct. The massacre of the 23d January, after the capitulation, was perpetrated without any exertion on their part to prevent it; indeed, it is apparent, from all the circumstances, that if the British officers did not connive at their destruction, they were criminally indifferent about the fate of the wounded prisoners.* But what marks

* Sworn statement of Dr. GUSTAVUS M. BOWER, surgeon's mate, *Kentucky Volunteers*:

NICHOLASVILLE, KY., April 24, 1813.

Sir: Yours of the 5th instant, requesting me to give you a statement respecting the late disaster at Frenchtown, was duly received. Rest assured, sir, that it is with sensations the most unpleasant that I undertake to recount the infamous and barbarous conduct of the British and Indians after the battle of the 23d January. The blood runs cold in my veins when I think of it.

On the morning of the 23d, shortly after light, six or eight Indians came to the house of Jean Baptiste Jereame, where I was, in company with Major Graves, Captains Hart and Hickman, Doctor Todd, and fifteen or twenty private volunteers, belonging to different corps. They did not molest any person or thing on their first approach, but kept sauntering about until there were a large number collected, (say one or two hundred,) at which time they commenced plundering the houses of the inhabitants, and the massacre of the wounded prisoners. I was one among the first that was taken prisoner, and was taken to a house about twenty paces from the house, after being divested of a part of my clothing, and commanded by signs there to remain for further orders. Shortly after being there I saw them knock down Captain Hickman at the door, together with several others with whom I was not acquainted. Supposing a general massacre had commenced, I made an effort to get to a house about one hundred yards distant, which contained a number of wounded; but, on reaching the house, to my great mortification, found it surrounded by Indians, which precluded the possibility of my giving notice to the unfortunate victims of savage barbarity. An Indian chief of the Tawa tribe, by the name of McCarty, gave me possession of his horse and blanket, telling me, by signs, to lead the horse to the house which I had just before left. The Indian that first took me, by this time came up and manifested a hostile disposition towards me, by raising his tomahawk as if to give the fatal blow, which was prevented by my very good friend McCarty. On my reaching the house which I had first started from, I saw the Indians take off several prisoners, which I afterwards saw in the road in a most mangled condition, and entirely stripped of their clothing.

Messrs. Bradford, Searis, Turner, and Blythe, were collected around a carryall, which contained articles taken by

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more strongly the degradation of the character of the British soldiers, is the refusal of the last offices of humanity to the bodies of the dead. The bodies of our countrymen were exposed to every indignity, and become food for brutes in the sight of men who affect a sacred regard to the dictates of honor and religion. Low indeed is the character of that army which is reduced to the confession, that their savage auxiliaries will not permit them to perform the rites of sepulture to the slain. The committee have not been able to discover even the expression of that detestation which such conduct must inspire from the military or civil authority on the Canadian frontier, unless such detestation is to be presumed from the choice of an Indian trophy as an ornament for the Legislative Hall of Upper Canada.

the Indians from the citizens. We had all been placed there, by our respective captors, except Blythe, who came where we were, entreating an Indian to convey him to Malden, promising to give him forty or fifty dollars, and whilst in the act of pleading for mercy, an Indian, more savage than the other, stepped up behind, tomahawked, stripped, and scalped him. The next that attracted my attention was the houses on fire that contained several wounded, whom I knew were not able to get out. After the houses were nearly consumed, we received marching orders, and after arriving at Sandy Creek, the Indians called a halt, and commenced cooking; after preparing and eating a little sweetened gruel, Messrs. Bradford, Searls, Turner, and myself, received some, and were eating, when an Indian came up and proposed exchanging his moccasins for Mr. Searl's shoes, which he readily complied with. They then exchanged hats, after which the Indian inquired how many men Harrison had with him, and, at the same time, calling Searls a Washington or Madison, then raised his tomahawk and struck him on the shoulder, which cut into the cavity of the body. Searls then caught hold of the tomahawk and appeared to resist, and upon my telling him that his fate was inevitable, he closed his eyes and received the savage blow which terminated his existence. I was near enough to him to receive the brains and blood, after the fatal blow, on my blanket. A short time after the death of Searls, I saw three others share a similar fate. We then set out for Brownstown, which place we reached about twelve or one o'clock at night. After being exposed to several hours' incessant rain in reaching that place, we were put into the council house, the floor of which was partly covered with water, at which place we remained until the next morning, when we again received marching orders for their village on the river Rouge, which place we made that day, where I was kept six days, then taken to Detroit and sold.

Sworn statement of Dr. JOHN TODD, a surgeon in the Kentucky Volunteers:

LEXINGTON, May 2, 1818.

SIR: I received your letter some time since, relative to the disastrous affair of Frenchtown, of 22d and 23d January last. For the particulars of the action, and the terms of capitulation, I refer you to the official report of General Winchester, which is correct as far as came within my knowledge. After the capitulation, I was introduced to Colonel Proctor, the commander of the British forces and Indians, as one of the surviving surgeons, and by him was requested to attend to our wounded who were left on the ground where the action was fought. I willingly acquiesced, and Doctor Bowers, my mate, remained with me: at the same time I informed Colonel Proctor of my apprehensions for the safety of the wounded and the surgeons; he replied, "be under no apprehensions, you will be perfectly safe, I will place you under the special care of the chiefs until morning, and very early I will send conveyances for the wounded and yourself to Amherstburg." Shortly after, I was requested to ascertain the number and rank of the wounded, and in so doing was assisted by a British officer, (whose name I did not know,) to whom I likewise communicated my apprehensions of safety; he manifested some irritation at my doubts of British honor and magnanimity, and assured me protection would be afforded me. While engaged in this business, one of the rooms occupied by the wounded was crowded with the Indians who were peaceable, but one of them, who could speak English, admonished the British officer of the propriety of stationing interpreters in the houses. Upon my return from this business to the room I occupied, and which was set apart for the wounded

The committee have considered it their duty to submit the evidence collected under the ninth head, of the atrocities committed at Hampton, although these enormities have been committed since their appointment. These barbarities may be rationally considered as the consequence of the example set by the officers of the naval force on our coast. Human turpitude is always progressive, and soldiers are prepared for the perpetration of the most dreadful crimes by the commission of minor offenses with impunity. That troops who had been instigated by the example of their officers, to plunder the property and burn the houses of unarmed citizens, should proceed to rape and murder, need not excite surprise, however it may inspire horror. For every detestable violation of humanity an excuse is fabricated or found. The

officers, I met, and was made acquainted with Captain Elliott, at present a British officer, who had visited Captain Hart, then wounded. Captain Hart was solicitous to be removed that evening, and Captain Elliott replied, if it was possible (and every exertion should be made) he should, and if it could not be effected that evening, early in the morning he would call for him in his own train (sleigh) and convey him to his own house in Amherstburg, where he should remain until recovered, assuring him repeatedly no danger was to be apprehended, and, if possible, he would remain with him that night.

In the afternoon Captain Elliott and every British officer left the encampment, leaving behind three interpreters. From the repeated assurances my apprehensions were quieted; for who could doubt? About one hour before daylight (for my duties required my attention nearly all the night) the interpreters suddenly disappeared. About an hour after daylight the Indians began to collect in the town, and commenced plundering the houses in which the wounded were placed, and then stripped them and myself of our clothing. At this time the room I had occupied was so crowded with Indians, and Captain Hart's wound already painful, being injured by them, I conveyed him to an adjoining house which had been plundered and was empty, where I met the Indian, (who, on the preceding day, had requested that interpreters should be left), and he knew my rank. He inquired why the surgeons were left, and why the wounded were left? I replied, it was the wish of Colonel Proctor we should remain until he could send for us; and Captain Hart informed him Captain Elliott was a friend of his, and was to call for him that morning. He shook his head significantly, and replied they were damned rascals, or we would have been taken off the preceding day. The Indian informed me every individual would be killed, and requested me to be quiet, for the chiefs were then in council, and "may be" only the wounded would be killed. Captain Hart offered him \$100 to take him to Malden. He replied, you are too badly wounded. While we were conversing one of the wounded was tomahawked at our feet. Shortly after the Indian returned and told me I was a prisoner, and must go. I was taken by the Indian to the house I had left, and there discovered that Captain Hickman and two others had, in my absence, been tomahawked, scalped, and stripped. I was tied and taken by this Indian towards Malden about four miles, when I came to the encampment of the British wounded, and met with Captain Elliott and the surgeon of the 41st regiment. Captain Elliott immediately recognized me, and inquired the cause of my situation. I informed him what had taken place, and requested him to send back immediately; that some who were badly wounded might still be alive, and could be saved, and particularly named Captain Hart, for whom he manifested much friendship. Captain Elliott replied, it is now too late; you may rest assured that those who are once taken by the Indians are safe, and will be taken to Malden, and those who are badly wounded are killed ere this. I replied, many are unable to walk, and some will be killed after making an effort, and walking several miles, who might be saved. To which he replied, charity begins at home; my own wounded are to be conveyed first, and if any sleighs remain they shall be sent back for your wounded. My anxiety to get some person to return, in hopes of saving some of the prisoners, induced me at length to make an appeal to their avarice. The surgical instruments of the detachment were left in the room I occupied, and I informed the surgeon of their value and importance at that time; he immediately despatched an interpreter for them, who returned with the information that they were destroyed in the burning of the house, and gave additional confirmation of the massacre of the wounded. I was released from the Indians by Captain Elliott and the

wounded prisoners on the Northern frontier were massacred by Indians; the sick murdered, and the women violated, at Hampton, by the foreign troops in the pay of Great Britain. These pretexts, admitting them to be true, are as disgraceful as the conduct which made a resort to them necessary. Honor and magnanimity not only forbid the soldier to perpetrate crimes, but require every exertion on his part to prevent them. If, in defiance of discipline, acts of violence are committed upon any individual entitled to protection, the exemplary punishment of the offender can alone vindicate the reputation of the nation by whom he is employed. Whether such exertions were made by the British soldiers, or the character of the British nation thus vindicated, the evidence will show.

The shrieks of the innocent victims of infernal lust at Hampton were heard by the American prisoners, but were too weak to reach the ears or disturb the repose of the British officers, whose duty, as men, required them to protect every female whom the fortune of war had thrown into their power. The

surgeon. At this time my brother, who was wounded, and several others, were in possession of the Indians, who were taking them towards Malden. I requested their release, and permission for them to accompany me on foot under British protection. Captain Elliott told me it was impossible, and to be under no fears, they were safe; for he knew the fidelity of the Indians with whom they were. When the intelligence of the massacre was by me communicated to Captain Elliott and the surgeon, they appeared much exasperated, and declared it was impossible to restrain the savages. The cause he then assigned to me was, that when the Indians discovered their loss in killed and wounded, and that of the British, they started off towards our wounded, declaring they would have satisfaction, and, he continued, I was fearful of the event. During the plunder and the massacre, our wounded conducted themselves with the utmost composure and resignation, and made no resistance, which they knew would be fruitless, and destruction to all.

It was asserted by Colonel Proctor, in a conversation at Amherstburg, that the Indians had got some whiskey in the house where we were stationed, and had become intoxicated. That the Indians may have had some whiskey I shall not deny; but I think I can safely say, that they did not procure it there, and that was not the cause of the massacre; for, on the preceding days, and subsequent to the action of the 18th, I wanted some spirits, and made application to the housekeeper, who assured me there was none about the house, for it was all consumed by the British and Indians, who had quartered in the house prior to the action of the 18th; besides, the Indians showed no manifestation of drunkenness; their deliberate pilfering, and their orderly conduct throughout, was not such as would be expected from drunken Indians.

Upon my arrival at Malden, I was again sollicitous to take charge of the wounded; the surgery was opened to me, and I had the use of the medicines and dressings necessary, and they had as comfortable rooms as could be procured. During our stay in Malden some eight or ten of the wounded were brought in by the Indians; several made their escape who were doomed to massacre, and found protection with the inhabitants of the Territory, who brought them into Malden; and several made their escape, wandered in, and delivered themselves up at the fort. Prior to our leaving Malden one poor fellow was brought in scalped alive by the Indians, and delivered up to the British; but before I reached him death put an end to his sufferings. I frequently, and on every occasion, urged the British officers to exert themselves and procure the release of the wounded from the Indians, urging the necessity of having their wounds dressed. In a conversation on this subject with Captain Elliott, and while urging it, he replied, the Indians are excellent surgeons. The prisoners were all marched off to Sandwich, after remaining a few days at Malden, and I was called upon to know how many from their wounds were unable to march, who had sleighs furnished them, which was the case during the march to Fort George. Before I conclude, I must say, that the terms of capitulation were violated in every particular by the enemy. The wounded were not protected; private property was not held sacred; and our side arms were not restored. With a few exceptions, I was treated respectfully by the British officers, save the abuse which was lavished on my Government, and that was by no means sparingly bestowed.

committee will not dwell on this hateful subject. Human language affords no terms strong enough to express the emotions which the examination of this evidence has awakened; they rejoice that these acts have appeared so incredible to the American people. And for the honor of human nature they deeply regret that the evidence so clearly establishes their truth. In the correspondence between the commander of the American and British forces will be found what is equivalent to an admission of the facts by the British commander. The committee have yet to learn that the punishment of the offenders has followed the conviction of their guilt. The power of retaliation being vested by law in the Executive Magistrate, no measure is considered necessary to be proposed, but the resolution annexed to this report.

As such enormities, instead of inspiring terror as was probably intended, are, in the opinion of the committee, calculated to produce a contrary effect, they submit for the consideration of the House the following resolution:

Resolved, That the President of the United States

Sworn statement of ALBERT AMMERMAN, a private in the Kentucky Volunteers:

STATE OF KENTUCKY,

Pendleton County, in the town of Fairmount, }

On the 21st day of April, 1813, I, Albert Ammerman, a private of Captain Glave's company, of the first regiment of Kentucky volunteer militia, being wounded in the battle of the 18th January last, at the river Raisin, by a ball in the flesh of the thigh; and from the window of the house which was appropriated for an hospital, was a witness to the battle of the 22d of the same month. And after the surrender, I being but slightly wounded, proposed marching with the rest of the prisoners, and was prevented by the order of a British officer, who said that a guard would be left to take care of the wounded, and carriages would be sent for them to ride into Malden on the next morning. But to my astonishment no guard was left, and about sunrise on the morning of the 23d, a party of Indians returned to the hospital, and the first Indian that came to the room I was lodged in could speak the English language. He was asked by one of the wounded, what was to be done with the wounded. He replied, they were all to be killed that could not walk; and shortly after a general massacre commenced. I instantly put on my knapsack and went out of the house; my knapsack was demanded by an Indian at the door, to whom I gave it. He conducted me to a log some little distance from the house, on which I sat down, where I witnessed the butchery of many of my fellow-citizens, sufferers by the tomahawk and scalping knife, and, to finish the scene, set fire to the houses occupied by the wounded prisoners; many of them, struggling in the arms of death, put their heads out of the windows whilst enveloped in smoke and flames. After this bloody work was finished, I was marched off in the direction towards Brownstown, by an Indian, and when about half a mile from Frenchtown on our way, was overtaken by two Indians who had Captain Hart in custody, mounted on a horse. As they approached nearly to us, I noticed they were speaking loud and animated as if in a quarrel, but not understanding their language, did not understand what passed between them, but think it was probable that the quarrel was occasioned respecting one hundred dollars which I understood Captain Hart had given to one of the Indians aforesaid to convey him to Fort Malden. The quarrel appeared to grow very warm, so much so that the Indians took aim at each other with their guns; and, as if to settle the dispute, it appeared to me as if they had mutually agreed to kill Captain Hart, and plunder him of the rest of his money and effects, which they did, by taking him off his horse, then knocked him down with a war club, scalped and tomahawked him, and stripped him naked, leaving his body on the ground. I was gratified in observing that, during this scene of trial, Captain Hart refrained from supplication or entreaty, but appeared perfectly calm and collected. He met his fate with that firmness which was his particular characteristic. No other prisoner of our army of the United States was present to witness this melancholy scene—the death of Captain Hart. During my captivity with the Indians, five days only, I was treated with more hospitality than I had any reason to expect; much more so than I experienced from the British, after I was ransomed at Detroit, by Mr. Benjamin Chittenden, who will ever be entitled to my utmost gratitude; by him I was humanely treated, and also by some of the French Canadians.

Confidential Supplemental Journal.

be requested to have collected and presented to this House, during the continuance of the present war, evidence of every departure by the enemy from the ordinary modes of conducting war among civilized nations.

The resolution was agreed to, and a committee appointed to present the same to the President.

On motion of Mr. GRUNDY, 5,000 copies of said report were ordered to be printed for the use of the members.

MONDAY, August 2.

Adjournment.

A message from the Senate informed the House that the Senate, having completed the Legislative business before them, are now ready to adjourn; and they have appointed a commit-

tee on their part to wait on the President of the United States, and to inquire of him whether he has any further communications to make to Congress at the present session.

Mr. DAWSON and Mr. GROSVENOR were appointed of the above-mentioned joint committee, on the part of the House.

Soon after, Mr. DAWSON reported that the committee had performed that service, and that the President answered that he had no further communications to make.

Ordered, That a message be sent to the Senate to inform them that this House is now ready to adjourn, and that the clerk do go with the said message.

The Clerk accordingly went with the said message; and, having returned, the Speaker adjourned the House until the first Monday in December next.

CONFIDENTIAL SUPPLEMENTAL JOURNAL

OF SUCH PROCEEDINGS OF THE FIRST SESSION OF THE THIRTEENTH CONGRESS, AS, DURING THE TIME THEY WERE DEPENDENT, WERE ORDERED TO BE KEPT SECRET, AND RESPECTING WHICH THE INJUNCTION OF SECRECY WAS AFTERWARDS TAKEN OFF BY ORDER OF THE HOUSE.

THURSDAY, July 15, 1813.

The following preamble and resolution was submitted by Mr. STUART for consideration:

Whereas the Seat of the General Government, from the unprepared and defenceless state of the District of Columbia, is in imminent danger, if an attack should be made thereon: And whereas the fleet of the enemy is understood to be within a few hours' sail of the Capitol: And whereas the immense value of public property exposed to destruction, the great value of the public records, and other deeply interesting considerations, render it peculiarly important that any invasion of the Metropolis should be met with vigor and successfully repelled: Whereupon,

Resolved, That, in the opinion of this House, a distribution of such arms as are in the possession of the Government, within the District of Columbia, should be immediately made, to be placed in the hands of all able-bodied men within the District, willing to be embodied to perform military duty; and also in the hands of such members of this House as may be willing to receive them, to act against the enemy in any manner not incompatible with their public duties.

A question was taken, whether the subject-matter of the said proposition requires secrecy in discussion, and passed in the affirmative.

A motion was then made by Mr. RHEA, of Tennessee, that the said proposition do lie on the table. And the question being taken, it was determined in the negative—yeas 64, nays 74.

A motion was made by Mr. GHOLSON to amend the said proposition by striking out the *preamble*. And the question being taken it passed in the affirmative.

A motion was then made by Mr. BURWELL, that the said proposition, as amended, be committed to the Committee on Military Affairs.

And the question being taken, it passed in the affirmative—yeas 74, nays 44.

TUESDAY, July 20.

British Licenses.

A Message was received from the PRESIDENT OF THE UNITED STATES, which was read, and is as follows:

[CONFIDENTIAL.]

To the Senate and House of

Representatives of the United States:

There being sufficient ground to infer that it is the purpose of the enemy to combine, with the blockade of our ports, special licenses to neutral vessels, or to British vessels in neutral disguises, whereby they may draw from our country the precise kind and quantity of exports essential to their wants, whilst its general commerce remains obstructed; keeping in view, also, the insidious discrimination between different ports of the United States; and as such a system, if not counteracted, will have the effect of diminishing very materially the pressure of the war on the enemy, and encouraging a perseverance in it, at the same time that it will leave the general commerce of the United States under all the pressure the enemy can impose, thus subjecting the whole to British regulation, in subserviency to British monopoly: I recommend to the consideration of Congress, the expediency of an immediate and effectual prohibition of exports, limited to a convenient day in their next session, and removable, in the mean time, in the event of a cessation of the blockade of our ports.

JAMES MADISON.

WASHINGTON, July 20, 1813.

A question was taken whether the subject-matter of the said Message required secrecy; and passed in the affirmative.

and from the pledge to be found in an act of their Legislature for the liberality which their plenipotentiaries would carry into the negotiations, that no time would be lost by the British Government in embracing the experiment for hastening a stop to the effusion of blood. A prompt and cordial acceptance of the mediation on that side was the less to be doubted, as it was of a nature not to submit rights or pretensions on either side to the decision of an umpire; but to afford merely an opportunity, honorable and desirable to both, for discussing, and, if possible, adjusting them, for the interest of both.

The British Cabinet, either mistaking our desire of peace for a dread of British power, or misled by other fallacious calculations, has disappointed this reasonable anticipation. No communications from our Envoys having reached us, no information on the subject has been received from that source. But it is known that the mediation was declined in the first instance, and there is no evidence, notwithstanding the lapse of time, that a change of disposition in the British Councils has taken place, or is to be expected.

Under such circumstances, a nation, proud of its rights, and conscious of its strength, has no choice but an exertion of the one in support of the other.

To this determination, the best encouragement is derived from the success with which it has pleased the Almighty to bless our arms, both on the land and on the water.

Whilst proofs have been continued of the enterprise and skill of our cruisers, public and private, on the ocean, and a new trophy gained in the capture of a British by an American vessel of war, after an action giving celebrity to the name of the victorious commander, the great inland waters, on which the enemy were also to be encountered, have presented achievements of our naval arms, as brilliant in their character as they have been important in their consequences.

On Lake Erie, the squadron under command of Captain Perry, having met the British squadron of superior force, a sanguinary conflict ended in the capture of the whole. The conduct of that officer, adroit as it was daring, and which was so well seconded by his comrades, justly entitles them to the admiration and gratitude of their country, and will fill an early page in its naval annals, with a victory never surpassed in lustre, however much it may have been in magnitude.

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The success on Lake Erie having opened a passage to the territory of the enemy, the officer commanding the Northwestern army transferred the war thither, and, rapidly pursuing the hostile troops fleeing with their savage associates, forced a general action, which quickly terminated in the capture of the British, and dispersion of the savage force.

This result is signally honorable to Major General Harrison, by whose military talents it was prepared; to Colonel Johnson and his mounted volunteers, whose impetuous onset gave a decisive blow to the

ranks of the enemy; and to the spirit of the volunteer militia, equally brave and patriotic, who bore an interesting part in the scene; more especially to the Chief Magistrate of Kentucky,* at the head of them, whose heroism, signalized in the war which established the independence of his country, sought, at an advanced age, a share in the hardships and battles for maintaining its rights and its safety.

The effect of these successes has been to rescue the inhabitants of Michigan from their oppressions, aggravated by gross infractions of the capitulation which subjected them to a foreign power; to alienate the savages of numerous tribes from the enemy, by whom they were disappointed and abandoned; and to relieve an extensive region of country from a merciless warfare which desolated its frontiers, and imposed on its citizens the most harassing services.

In consequence of our naval superiority on Lake Ontario, and the opportunity afforded by it for concentrating our forces by water, operations, which had been provisionally planned, were set on foot against the possessions of the enemy on the St. Lawrence. Such, however, was the delay produced, in the first instance, by adverse weather, of unusual violence and continuance, and such the circumstances attending the final movements of the army, that the prospect, at one time so favorable, was not realized.

The cruelty of the enemy in enlisting the savages into a war with a nation desirous of mutual emulation in mitigating its calamities, has not been confined to any one quarter. Wherever they could be turned against us, no exertions to effect it have been spared. On our Southwestern border, the Creek tribes, who, yielding to our persevering endeavors, were gradually acquiring more civilized habits, became the unfortunate victims of seduction. A war in that quarter has been the consequence, infuriated by a bloody fanaticism, recently propagated among them. It was necessary to crush such a war before it could spread among the contiguous tribes, and before it could favor enterprises of the enemy into that vicinity. With this view, a force was called into the service of the United States from the States of Georgia and Tennessee, which, with the nearest regular troops, and other corps, from the Mississippi Territory, might not only chastise the savages into present peace, but make a lasting impression on their fears.

The progress of the expedition, as far as is yet known, corresponds with the martial zeal with which it was espoused; and the best hopes of a satisfactory issue are authorized by the complete success with which a well-planned enterprise was executed against a body of hostile savages, by a detachment of the volunteer militia of Tennessee, under the gallant command of General Coffee; and by a still more important victory over a larger body of them, gained under the immediate command of Major General Jackson, an officer equally distinguished for his patriotism and his military talents.

The systematic perseverance of the enemy in courting the aid of the savages in all quarters, had the natural effect of kindling their ordinary propensity to war into a passion, which, even among those best disposed towards the United States, was ready, if not employed on our side, to be turned against us. A departure from our protracted forbearance to accept the services tendered by them, has thus been

* Governor Shelby.

DECEMBER, 1818.]

President's Message.

[SENATE.]

forced upon us. But, in yielding to it, the retaliation has been mitigated as much as possible, both in its extent and in its character, stopping far short of the example of the enemy, who owe the advantages they have occasionally gained in battle, chiefly to the number of their savage associates; and who have not controlled them either from their usual practice of indiscriminate massacre on defenceless inhabitants, or from scenes of carnage without a parallel, on prisoners to the British arms, guarded by all the laws of humanity and honorable war. For these enormities the enemy are equally responsible, whether with the power to prevent them, they want the will, or, with the knowledge of the want of power, they still avail themselves of such instruments. In other respects, the enemy are pursuing a course which threatens consequences most afflicting to humanity.

A standing law of Great Britain naturalizes, as is well known, all aliens complying with conditions limited to a shorter period than those required by the United States; and naturalized subjects are, in war, employed by her Government in common with native subjects. In a contiguous British province, regulations promulgated since the commencement of the war, compel citizens of the United States being there under certain circumstances to bear arms; whilst, of the native emigrants from the United States, who compose much of the population of the province, a number have actually borne arms against the United States within their limits; some of whom, after having done so, have become prisoners of war, and are now in our possession. The British commander in that province, nevertheless, with the sanction, it appears, of his Government, thought proper to select from American prisoners of war, and send to Great Britain for trial as criminals, a number of individuals, who had emigrated from the British dominions long prior to the state of war between the two nations, who had incorporated themselves into our political society, in the modes recognized by the law and the practice of Great Britain, and who were made prisoners of war, under the banners of their adopted country, fighting for its rights and its safety.

The protection due to these citizens requiring an effectual interposition in their behalf, a like number of British prisoners of war were put into confinement, with a notification that they would experience whatever violence might be committed on the American prisoners of war sent to Great Britain.

It was hoped that this necessary consequence of the step unadvisedly taken on the part of Great Britain would have led her Government to reflect on the inconsistencies of its conduct, and that a sympathy with the British, if not with the American sufferers, would have arrested the cruel career opened by its example.

This was unhappily not the case. In violation both of consistency and humanity, American officers and non-commissioned officers, in double the number of the British soldiers confined here, were ordered into close confinement, with formal notice that, in the event of a retaliation for the death which might be inflicted on the prisoners of war sent to Great Britain for trial, the officers so confined would be put to death also. It was notified, at the same time, that the commanders of the British fleets and armies on our coasts are instructed, in the same event, to proceed with a destructive severity against our towns and their inhabitants.

That no doubt might be left with the enemy of

our adherence to the retaliatory resort imposed on us, a correspondent number of British officers, prisoners of war in our hands, were immediately put into close confinement, to abide the fate of those confined by the enemy; and the British Government has been apprised of the determination of this Government, to retaliate any other proceedings against us, contrary to the legitimate modes of warfare.

It is as fortunate for the United States that they have it in their power to meet the enemy in this deplorable contest, as it is honorable to them that they do not join in it but under the most imperious obligations, and with the humane purpose of effectuating a return to the established usages of war.

The views of the French Government on the subjects which have been so long committed to negotiation have received no elucidation since the close of your late session. The Minister Plenipotentiary of the United States at Paris had not been enabled, by proper opportunities, to press the objects of his mission, as prescribed by his instructions.

To give to our vessels of war, public and private, the requisite advantage in their cruises, it is of much importance that they should have, both for themselves and their prizes, the use of the ports and markets of friendly powers. With this view, I recommend to Congress the expediency of such legal provisions as may supply the defects or remove the doubts of the Executive authority to allow to the cruisers of other powers at war with enemies of the United States, such use of the American ports as may correspond with the privileges allowed by such powers to American cruisers.

The attacks of the enemy on Craney Island, on Fort Meigs, on Sackett's Harbor, and on Sandusky, have been vigorously and successfully repulsed; nor have they, in any case, succeeded on either frontier, excepting when directed against the peaceable dwellings of individuals, or villages, unprepared or undefended.

On the other hand, the movements of the American army have been followed by the reduction of York, and of Forts George, Erie, and Malden, by the recovery of Detroit, and the extinction of the Indian war in the West, and by the occupancy or command of a large portion of Upper Canada. Battles have also been fought on the borders of the St. Lawrence, which, though not accomplishing their entire objects, reflect honor on the discipline and prowess of our soldiery, the best auguries of eventual victory. In the same scale are to be placed the late successes in the South, over one of the most powerful, which had become one of the most hostile also, of the Indian tribes.

If the war has increased the interruptions of our commerce, it has, at the same time, cherished and multiplied our manufactures, so as to make us independent of all other countries for the more essential branches, for which we ought to be dependent on none; and is even rapidly given them an extent which will create additional staples in our future intercourse with foreign markets.

If much treasure has been expended, no inconsiderable portion of it has been applied to objects durable in their value, and necessary to our permanent safety.

If the war has exposed us to increased spoliations on the ocean, and to predatory incursions on the land, it has developed the national means of retaliating the former, and of providing protection against the lat-

Ordered, That the said Message be referred to the Committee on Foreign Relations.

WEDNESDAY, July 21.

Mr. CALHOUN, from the Committee on Foreign Relations, to whom was referred the Message of the President of the United States, received yesterday, made a report; which was read, and committed to a Committee of the Whole.

The House then resolved itself into a Committee of the Whole on the said report; and, after some time spent therein, the Speaker resumed the Chair, and Mr. KENNEDY reported that the committee had had the said report under consideration, and agreed to the same, with an amendment; which was read at the Clerk's table, and concurred in by the House.

The said report, as amended, is as follows:

Resolved, That it would be expedient to adopt the measures submitted by the Message to the consideration of the House."

A long debate took place on the adoption of this amendment. Mr. CLAY, and Mr. NELSON, of Virginia, spoke in favor of the amendment, and the policy of the measure. Mr. CALHOUN spoke in defence of the report of the committee, and in opposition to an embargo; as did, also, Mr. DUVALL, of Kentucky, Mr. TAYLOR, of New York, Mr. HANSON, Mr. GROSVENOR, and others.

The question was then taken, to concur in the said report as amended, and passed in the affirmative—yeas 78, nays 51.

Ordered, That the said report be committed to Mr. GRUNDY, Mr. WRIGHT, Mr. ROBERTSON, Mr. BIBB, and Mr. FISK, with instructions to report a bill in conformity thereto.

THURSDAY, July 22.

Mr. GRUNDY, from the committee appointed yesterday, reported a bill laying an embargo on all ships and vessels in the ports and harbors of the United States; which was twice read and committed to a Committee of the whole House to-day.

The question was taken, "Shall the bill be the order of the day to-morrow?" and was determined in the negative—yeas 56, nays 79.

The said bill was then made the order for this day.

And the House then resolved itself into a Committee of the Whole on the said bill; and, after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. NELSON reported that the Committee had had the bill under consideration, and made several amendments thereto; which he delivered in at the Clerk's table, where they were again read, and concurred in by the House.

The question was then taken that the said bill be engrossed and read the third time; and passed in the affirmative—yeas 78, nays 56.

The bill was ordered to be read the third time to-day, and accordingly was read the third time, when a motion was made by Mr. PITKIN that the said bill be postponed indefinitely; and the question being taken, it was determined in the negative.

The question was then put, "Shall the bill pass?" And passed in the affirmative—yeas 80, nays 50.

Ordered, That the title be, "An act laying an embargo on all the ships and vessels in the ports and harbors of the United States," and that Mr. GRUNDY and Mr. ROBERTSON be appointed a committee to carry the said bill to the Senate, and inform them that the House have passed the same, in confidence, and ask their concurrence therein.

THURSDAY, July 29.

A message was received from the Senate, by Mr. CAMPBELL and Mr. VARNUM, their committee:

Mr. Speaker: The Senate do not concur in the bill passed by the House of Representatives, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States."

A motion was made by Mr. WRIGHT, that the injunction of secrecy imposed upon the proceedings of this House on the Message of the President of the United States of the 20th instant, be removed.

And the question being taken thereon, it passed in the affirmative.

DECEMBER, 1818.]

President's Message.

[SENATE.]

THIRTEENTH CONGRESS.—SECOND SESSION.

BEGUN AT THE CITY OF WASHINGTON, DECEMBER 6, 1818.

PROCEEDINGS IN THE SENATE.

MONDAY, December 6, 1818.

The Second Session of the Thirteenth Congress commenced this day at the city of Washington, conformably to the act passed the 27th of July last, entitled "An act fixing the time for the next meeting of Congress," and the Senate assembled in their Chamber.

PRESENT.

NICHOLAS GILMAN and JEREMIAH MASON, from New Hampshire.

JOSEPH B. VARNUM, from Massachusetts.

JONATHAN ROBINSON and DUDLEY CHACE, from Vermont.

JOHN LAMBERT, from New Jersey.

MICHAEL LEIB and ABNER LACOCK, from Pennsylvania.

OUTERBRIDGE HORSEY, from Delaware.

SAMUEL SMITH, from Maryland.

WILLIAM B. GILES and RICHARD BRENT, from Virginia.

JAMES TURNER, from North Carolina.

JOHN GAILLARD and JOHN TAYLOR, from South Carolina.

CHARLES TAIT, from Georgia.

JESSE BLEDSOE, from Kentucky.

JOSEPH ANDERSON, from Tennessee.

THOMAS WORTHINGTON and JEREMIAH MORROW, from Ohio.

JAMES BROWN and ELEGIUS FROMENTIN, from Louisiana.

The VICE PRESIDENT being absent, the Senate proceeded to the election of a President *pro tempore*, as the constitution provides; and JOSEPH B. VARNUM was appointed.

WILLIAM WYATT BIBB, appointed a Senator by the Legislature of the State of Georgia, in place of WILLIAM H. CRAWFORD, resigned, produced his credentials, was qualified, and took his seat in the Senate.

Ordered, That the Secretary notify the House of Representatives that a quorum is assembled, and are ready to proceed to business.

Ordered, That the Secretary wait on the President of the United States and acquaint him that the Senate have, in the absence of the VICE

PRESIDENT, elected JOSEPH B. VARNUM their President *pro tempore*.

A message from the House of Representatives informed the Senate that a quorum of the House of Representatives is assembled, and that the House is ready to proceed to business. The House have appointed a committee on their part, jointly with such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and notify him that a quorum of the two Houses is assembled and ready to receive any communications that he may be pleased to make to them.

The Senate concurred in the appointment of a joint committee on their part, agreeably to the resolution last mentioned; and Messrs. ROBINSON and BRENT were appointed the committee on the part of the Senate.

After passing the usual resolutions for the supply of newspapers, &c., the Senate adjourned.

TUESDAY, December 7.

DAVID DAGGETT, from the State of Connecticut, and JEREMIAH B. HOWELL, from the State of Rhode Island and Providence Plantations, severally took their seats in the Senate.

Mr. ROBINSON reported, from the Joint Committee, that they had waited on the President of the United States, and that the President informed the committee that he would make a communication to the two Houses this day at 12 o'clock.

President's Message.

The following Message was then received from the PRESIDENT OF THE UNITED STATES:

*Fellow-citizens of the Senate and
of the House of Representatives:*

In meeting you at the present interesting conjuncture, it would have been highly satisfactory if I could have communicated a favorable result to the mission charged with negotiations for restoring peace. It was a just expectation from the respect due to the distinguished Sovereign who had invited them by his offer of mediation; from the readiness with which the invitation was accepted on the part of the United States

and from the pledge to be found in an act of their Legislature for the liberality which their plenipotentiaries would carry into the negotiations, that no time would be lost by the British Government in embracing the experiment for hastening a stop to the effusion of blood. A prompt and cordial acceptance of the mediation on that side was the less to be doubted, as it was of a nature not to submit rights or pretensions on either side to the decision of an umpire; but to afford merely an opportunity, honorable and desirable to both, for discussing, and, if possible, adjusting them, for the interest of both.

The British Cabinet, either mistaking our desire of peace for a dread of British power, or misled by other fallacious calculations, has disappointed this reasonable anticipation. No communications from our Envoys having reached us, no information on the subject has been received from that source. But it is known that the mediation was declined in the first instance, and there is no evidence, notwithstanding the lapse of time, that a change of disposition in the British Councils has taken place, or is to be expected.

Under such circumstances, a nation, proud of its rights, and conscious of its strength, has no choice but an exertion of the one in support of the other.

To this determination, the best encouragement is derived from the success with which it has pleased the Almighty to bless our arms, both on the land and on the water.

Whilst proofs have been continued of the enterprise and skill of our cruisers, public and private, on the ocean, and a new trophy gained in the capture of a British by an American vessel of war, after an action giving celebrity to the name of the victorious commander, the great inland waters, on which the enemy were also to be encountered, have presented achievements of our naval arms, as brilliant in their character as they have been important in their consequences.

On Lake Erie, the squadron under command of Captain Perry, having met the British squadron of superior force, a sanguinary conflict ended in the capture of the whole. The conduct of that officer, adroit as it was daring, and which was so well seconded by his comrades, justly entitles them to the admiration and gratitude of their country, and will fill an early page in its naval annals, with a victory never surpassed in lustre, however much it may have been in magnitude.

On Lake Ontario, the caution of the British commander, favored by contingencies, frustrated the efforts of the American commander to bring on a decisive action. Captain Chauncey was able, however, to establish an ascendancy on that important theatre; and to prove, by the manner in which he effected every thing possible, that opportunities only were wanted, for a more shining display of his own talents and the gallantry of those under his command.

The success on Lake Erie having opened a passage to the territory of the enemy, the officer commanding the Northwestern army transferred the war thither, and, rapidly pursuing the hostile troops fleeing with their savage associates, forced a general action, which quickly terminated in the capture of the British, and dispersion of the savage force.

This result is signally honorable to Major General Harrison, by whose military talents it was prepared; to Colonel Johnson and his mounted volunteers, whose impetuous onset gave a decisive blow to the

ranks of the enemy; and to the spirit of the volunteer militia, equally brave and patriotic, who bore an interesting part in the scene; more especially to the Chief Magistrate of Kentucky,* at the head of them, whose heroism, signalized in the war which established the independence of his country, sought, at an advanced age, a share in the hardships and battles for maintaining its rights and its safety.

The effect of these successes has been to rescue the inhabitants of Michigan from their oppressions, aggravated by gross infractions of the capitulation which subjected them to a foreign power; to alienate the savages of numerous tribes from the enemy, by whom they were disappointed and abandoned; and to relieve an extensive region of country from a merciless warfare which desolated its frontiers, and imposed on its citizens the most harassing services.

In consequence of our naval superiority on Lake Ontario, and the opportunity afforded by it for concentrating our forces by water, operations, which had been provisionally planned, were set on foot against the possessions of the enemy on the St. Lawrence. Such, however, was the delay produced, in the first instance, by adverse weather, of unusual violence and continuance, and such the circumstances attending the final movements of the army, that the prospect, at one time so favorable, was not realized.

The cruelty of the enemy in enlisting the savages into a war with a nation desirous of mutual emulation in mitigating its calamities, has not been confined to any one quarter. Wherever they could be turned against us, no exertions to effect it have been spared. On our Southwestern border, the Creek tribes, who, yielding to our persevering endeavors, were gradually acquiring more civilized habits, became the unfortunate victims of seduction. A war in that quarter has been the consequence, infuriated by a bloody fanaticism, recently propagated among them. It was necessary to crush such a war before it could spread among the contiguous tribes, and before it could favor enterprises of the enemy into that vicinity. With this view, a force was called into the service of the United States from the States of Georgia and Tennessee, which, with the nearest regular troops, and other corps, from the Mississippi Territory, might not only chastise the savages into present peace, but make a lasting impression on their fears.

The progress of the expedition, as far as is yet known, corresponds with the martial zeal with which it was espoused; and the best hopes of a satisfactory issue are authorized by the complete success with which a well-planned enterprise was executed against a body of hostile savages, by a detachment of the volunteer militia of Tennessee, under the gallant command of General Coffee; and by a still more important victory over a larger body of them, gained under the immediate command of Major General Jackson, an officer equally distinguished for his patriotism and his military talents.

The systematic perseverance of the enemy in court- ing the aid of the savages in all quarters, had the natural effect of kindling their ordinary propensity to war into a passion, which, even among those best disposed towards the United States, was ready, if not employed on our side, to be turned against us. A departure from our protracted forbearance to accept the services tendered by them, has thus been

* Governor Shelby.

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President's Message.

[SENATE.]

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A standing law of Great Britain naturalizes, as is well known, all aliens complying with conditions limited to a shorter period than those required by the United States; and naturalized subjects are, in war, employed by her Government in common with native subjects. In a contiguous British province, regulations promulgated since the commencement of the war, compel citizens of the United States being there under certain circumstances to bear arms; whilst, of the native emigrants from the United States, who compose much of the population of the province, a number have actually borne arms against the United States within their limits; some of whom, after having done so, have become prisoners of war, and are now in our possession. The British commander in that province, nevertheless, with the sanction, it appears, of his Government, thought proper to select from American prisoners of war, and send to Great Britain for trial as criminals, a number of individuals, who had emigrated from the British dominions long prior to the state of war between the two nations, who had incorporated themselves into our political society, in the modes recognized by the law and the practice of Great Britain, and who were made prisoners of war, under the banners of their adopted country, fighting for its rights and its safety.

The protection due to these citizens requiring an effectual interposition in their behalf, a like number of British prisoners of war were put into confinement, with a notification that they would experience whatever violence might be committed on the American prisoners of war sent to Great Britain.

It was hoped that this necessary consequence of the step unadvisedly taken on the part of Great Britain would have led her Government to reflect on the inconsistencies of its conduct, and that a sympathy with the British, if not with the American sufferers, would have arrested the cruel career opened by its example.

This was unhappily not the case. In violation both of consistency and humanity, American officers and non-commissioned officers, in double the number of the British soldiers confined here, were ordered into close confinement, with formal notice that, in the event of a retaliation for the death which might be inflicted on the prisoners of war sent to Great Britain for trial, the officers so confined would be put to death also. It was notified, at the same time, that the commanders of the British fleets and armies on our coasts are instructed, in the same event, to proceed with a destructive severity against our towns and their inhabitants.

That no doubt might be left with the enemy of

our adherence to the retaliatory resort imposed on us, a correspondent number of British officers, prisoners of war in our hands, were immediately put into close confinement, to abide the fate of those confined by the enemy; and the British Government has been apprised of the determination of this Government, to retaliate any other proceedings against us, contrary to the legitimate modes of warfare.

It is as fortunate for the United States that they have it in their power to meet the enemy in this deplorable contest, as it is honorable to them that they do not join in it but under the most imperious obligations, and with the humane purpose of effectuating a return to the established usages of war.

The views of the French Government on the subjects which have been so long committed to negotiation have received no elucidation since the close of your late session. The Minister Plenipotentiary of the United States at Paris had not been enabled, by proper opportunities, to press the objects of his mission, as prescribed by his instructions.

To give to our vessels of war, public and private, the requisite advantage in their cruises, it is of much importance that they should have, both for themselves and their prizes, the use of the ports and markets of friendly powers. With this view, I recommend to Congress the expediency of such legal provisions as may supply the defects or remove the doubts of the Executive authority to allow to the cruisers of other powers at war with enemies of the United States, such use of the American ports as may correspond with the privileges allowed by such powers to American cruisers.

The attacks of the enemy on Craney Island, on Fort Meigs, on Sackett's Harbor, and on Sandusky, have been vigorously and successfully repulsed; nor have they, in any case, succeeded on either frontier, excepting when directed against the peaceable dwellings of individuals, or villages, unprepared or undefended.

On the other hand, the movements of the American army have been followed by the reduction of York, and of Forts George, Erie, and Malden, by the recovery of Detroit, and the extinction of the Indian war in the West, and by the occupancy or command of a large portion of Upper Canada. Battles have also been fought on the borders of the St. Lawrence, which, though not accomplishing their entire objects, reflect honor on the discipline and prowess of our soldiery, the best auguries of eventual victory. In the same scale are to be placed the late successes in the South, over one of the most powerful, which had become one of the most hostile also, of the Indian tribes.

If the war has increased the interruptions of our commerce, it has, at the same time, cherished and multiplied our manufactures, so as to make us independent of all other countries for the more essential branches, for which we ought to be dependent on none; and is even rapidly given them an extent which will create additional staples in our future intercourse with foreign markets.

If much treasure has been expended, no inconsiderable portion of it has been applied to objects durable in their value, and necessary to our permanent safety.

If the war has exposed us to increased spoliations on the ocean, and to predatory incursions on the land, it has developed the national means of retaliating the former, and of providing protection against the lat-

ter; demonstrating to all, that every blow aimed at our maritime independence is an impulse accelerating the growth of our maritime power.

By diffusing through the mass of the nation the elements of military discipline and instruction, by augmenting and distributing warlike preparations, applicable to future use; by evincing the zeal and valor with which they will be employed, and the cheerfulness with which every necessary burden will be borne, a greater respect for our rights, and a longer duration of our future peace, are promised; than could be expected without these proofs of the national character and resources.

The war has proved, moreover, that our free Government, like other free Governments, though slow in its early movements, acquires in its progress a force proportioned to its freedom; and that the Union of these States, the guardian of the freedom and safety of all and of each, is strengthened by every occasion that puts it to the test.

In fine, the war, with its vicissitudes, is illustrating the capacity and the destiny of the United States to be a great, a flourishing, and a powerful nation, worthy of the friendship which it is disposed to cultivate with all others; and authorized, by its own example, to require from all an observance of the laws of justice and reciprocity. Beyond these their claims have never extended; and, in contending for these, we behold a subject for our congratulations, in the daily testimony of increasing harmony throughout the nation, and may humbly repose our trust in the smiles of Heaven on so righteous a cause.

JAMES MADISON.

WASHINGTON, December 7, 1813.

WEDNESDAY, December 8.

GEORGE WASHINGTON CAMPBELL, from the State of Tennessee; ROBERT HENRY GOLDSBOROUGH, from the State of Maryland; and DAVID STONE, from the State of North Carolina, severally took their seats in the Senate.

THURSDAY, December 9.

OBADIAH GERMAN, from the State of New York, and WILLIAM HUNTER, from the State of Rhode Island and Providence Plantations, severally took their seats in the Senate.

FRIDAY, December 10.

A message from the House of Representatives informed the Senate that the House concur in the resolution of the Senate for the appointment of Chaplains, and have appointed the Reverend JESSE LEE Chaplain on their part.

On motion, by Mr. WORTHINGTON, the Senate proceeded to the appointment of a Chaplain on their part; and, on the ballots having been counted, it appeared that the Reverend JOHN BRECKENBRIDGE had a majority, and was elected.

MONDAY, December 13.

SAMUEL W. DANA, from the State of Connecticut, took his seat in the Senate.

TUESDAY, December 14.

CHRISTOPHER GORE, from the State of Massachusetts, and RUFUS KING, from the State of New York, severally took their seats in the Senate.

MONDAY, December 20.

Trading with the Enemy.

The injunction of secrecy respecting a confidential Message of the President of the United States of the 9th instant, together with the proceedings of the Senate thereon, having been removed, they are here inserted.

[CONFIDENTIAL.]

THURSDAY, December 9.

The following confidential Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

The tendency of our commercial and navigation laws, in their present state, to favor the enemy and thereby prolong the war, is more and more developed by experience. Supplies of the most essential kinds find their way not only to British ports and British armies at a distance, but the armies in our neighborhood, with which our own are contending, derive from our ports and outlets a subsistence attainable with difficulty, if at all, from other sources. Even the fleets and troops infesting our coasts and waters, are, by like supplies, accommodated and encouraged in their predatory and incursive warfare.

Abuses having a like tendency take place in our import trade. British fabrics and products find their way into our ports under the name and from the ports of other countries, and often in British vessels disguised as neutrals by false colors and papers.

To these abuses it may be added, that illegal importations are openly made, with advantage to the violators of the law, produced by undervaluations or other circumstances involved in the course of the judicial proceedings against them.

It is found, also, that the practice of ransoming is a cover for collusive captures, and a channel for intelligence advantageous to the enemy.

To remedy, as much as possible, those evils, I recommend—

That an effectual embargo on exports be immediately enacted:

That all articles known to be derived, either not at all, or in an immaterial degree only, from the productions of any other country than Great Britain, and particularly the extensive articles made of wool and cotton materials, and ardent spirits made from the cane, be expressly and absolutely prohibited, from whatever port or place, or in whatever vessels the same may be brought into the United States; and that all violations of the non-importation act be subjected to adequate penalties:

That, among the proofs of the neutral and national character of foreign vessels, it be required that the masters and supercargoes, and three-fourths at least of the crews, be citizens or subjects of the country under whose flag the vessels sail:

That all persons concerned in collusive captures by the enemy, or in ransoming vessels or their cargoes from the enemy, be subjected to adequate penalties.

To shorten as much as possible the duration of the war, it is indispensable that the enemy should feel all the pressure that can be given to it, and the restraints having that tendency will be borne with the greater cheerfulness by all good citizens, as the restraints will affect those most who are most ready to

DECEMBER, 1813.]

Proceedings.

[SENATE.]

sacrifice the interests of their country in pursuit of their own.

DECEMBER 9, 1813. JAMES MADISON.

The Message was read, and referred to the committee this day appointed on so much of the Message of the President of the United States as relates to our Foreign Relations, with leave to report thereon by bill or otherwise.

MONDAY, December 18.

Mr. BIBB, from the committee appointed the 9th instant on the subject, reported, in part, a bill laying an embargo on all ships and vessels in the ports and harbors of the United States; which was in part read.

A confidential message was received from the House of Representatives, by Messrs. GRUNDY and LEWIS, two of their members; Mr. GRUNDY, Chairman:

Mr. President: The House of Representatives have passed a bill (in confidence) "laying an embargo on all ships and vessels in the ports and harbors of the United States," in which they request the concurrence of the Senate.

WEDNESDAY, December 15.

The Embargo.

Mr. BIBB, from the Committee on Foreign Relations, to whom was recommitted the bill, entitled "An act laying an embargo on ships and vessels in the ports and harbors of the United States," reported amendments to the fourth section; and the bill and amendments were considered as in Committee of the Whole; and the bill having been further amended, the amendments were agreed to.

On the question, "Shall the bill be read a third time, as amended?" it was determined in the affirmative—yeas 20, nays 14, as follows:

YEAS.—Messrs. Anderson, Bibb of Georgia, Bledsoe, Brent, Campbell, Chace, Gaillard, Giles, Howell, Lacock, Leib, Morrow, Robinson, Smith, Stone, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS.—Messrs. Brown, Daggett, Dana, Fromentin, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, and Wells.

THURSDAY, December 16.

The Embargo.

Mr. FROMENTIN, from the committee, reported the amendments to the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," correctly engrossed; and the bill was read the third time as amended.

Mr. MASON, of New Hampshire, rose, and addressed the Chair as follows:

Mr. President: Knowing that the advocates of the bill under consideration are averse to a full discussion of its merits, and that a speedy decision is determined on, I do not intend to trespass a long time on your patience. But be-

lieving this measure to be pregnant with consequences the most pernicious to our country, I cannot permit it to pass without entering against it my solemn protest. You are about to change the daily occupations, and destroy the means of a subsistence, of a vast portion of your population.

The evil complained of is, that our enemy obtains from this country supplies of provisions essential for the subsistence of his fleets and armies. To remedy this, the bill prohibits all exports of every kind. Why does the prohibition extend to any commodities other than provisions? Or, at most, to such as may, in some way, be useful to his fleets or armies? The object is said to be to distress our enemy, and disable him to carry on the war. It is important to inquire, who will be most injured, our enemies or ourselves? For if, on examination, it should be found that the loss and injury will fall mostly on our citizens, a wise and dispassionate Legislature will find no sufficient inducement to assent to the bill, in the apparently consolatory reflection in the President's Message, "that the restraints will affect those most who are most ready to sacrifice the interests of their country in pursuit of their own." To determine what will be the effect on our enemy, we must know his wants, and to what degree they are relieved by supplies from this country. We have no evidence, nor even an estimate, of the quantity of provisions which the enemy obtains from our country. Had he obtained such supplies to a great amount, it would seem the Government must have some evidence of the facts. If the Government does possess such evidence, it is to be regretted that it has not been laid before the Legislature. Destitute of evidence, we are obliged to act on conjecture.

The enemy is supposed to have obtained from this country supplies, consisting principally of flour for his troops in the West Indies and at Halifax. These supplies must have gone mostly through the medium of neutrals. Existing laws prohibit, under heavy penalties, all trading with the enemy. Few, if any, prosecutions have been instituted on those laws. It is to be presumed, therefore, that our citizens have not often transgressed them. The scarcity of provisions at the places mentioned may be judged of by their prices, which, during the past summer, have not been unusually high. Flour has also been exported to Spain and Portugal, but this is mostly for the use of the inhabitants. The allied armies are removed too far into the interior of the country to draw their supplies from Lisbon and Cadiz, the places to which our flour is chiefly carried. I trust it does not enter into the policy of the Government to distress any portion of the Spanish people, except what is in arms against France.

That the necessities of the enemy are urgent, is rendered almost incredible by the fact, that he exerts his utmost power to prevent supplies going from this country. A rigorous blockade was last spring instituted, and has ever since

SENATE.]

Honors to Captain Perry, Lieutenants Burrows and McCall.

[DECEMBER, 1813.]

been enforced on the ports from which our provisions were usually exported in the greatest quantities. Discovering that the article of flour began to find its way out of the country, through Long Island Sound, he has lately extended the blockade to all that coast. Can we suppose the enemy anxious to obtain provisions, or other produce of this country, while he thus throws every obstacle in his power in the way of their getting to him?

But it has been urged, and seems to be relied on, as the strongest reason in favor of the bill, that the hostile ships and squadrons on our coast draw from the country necessary supplies, which they could not otherwise obtain. Here again, in the absence of all evidence, we must rely on conjecture. It is well known, that foreign salted provisions are not often permitted to be used on board British ships of war. The supplies from this country for their ships are said to consist mostly of fresh provisions and breadstuffs. The former are supposed to have been obtained partly by force and partly by purchase. The quantities of either of these articles thus obtained are wholly uncertain. A person voluntarily furnishing supplies to the enemy, under certain circumstances, is guilty of treason; under any circumstances, he is guilty of a great misdemeanor, and liable to heavy penalties. While exposed to such perils, is it to be presumed that our citizens have furnished supplies in large quantities? That would be to suppose, not only the highest degree of depravity, but also a carelessness and negligence of self-preservation. If such crimes have been committed, why has not punishment followed? If the present laws will not restrain our citizens, what better hopes can be entertained from that now proposed? Suppose the bill to operate as favorably as its friends can expect, would it, in any considerable degree, produce the desired effects? While our seacoasts remain wholly unprotected, the hostile ships may always obtain by force a partial supply of vegetables and fresh provisions. Even breadstuffs may in that manner be obtained from certain parts of our coasts in considerable quantities. Nor can it be believed that this bill will entirely prevent all trade with the enemy's ships. Our prohibition of the exportation of flour and other produce, will, of course, greatly depress their prices at home. This will operate as a premium to supply the enemy in violation of the law. By our utmost exertions we shall not be able to prevent the hostile ships obtaining supplies, and partly from our shores. The most we can expect to do is, to enhance the prices at which they may be obtained. This will be more than balanced by lessening the number of ships which it will be necessary for the enemy to keep on our coast. A great portion of these are now employed in enforcing the blockade. Our embargo, together with a prohibition of importations, the other part of the system recommended by the President, strictly enforced, will completely effect the ob-

jects of the blockading squadrons; a few single ships will probably remain to take care that we faithfully execute our own laws, while the rest will be employed in predatory expeditions, or in other and more honorable service, in looking after our frigates. It is not probable, therefore, that the operation of the bill will even increase the expense to the enemy of maintaining on our coasts the ships necessary for his purpose. But suppose we should be able to do this to a certain degree. Suppose the enemy should find it necessary to keep the usual number of ships of war on our coast, and that we could increase the expense of the supplies of provisions now obtained from our shores to double the amount of their present prices—would this induce him to withdraw his squadrons from our waters?

When Mr. MASON had concluded, the question was taken, "Shall this bill pass as amended?" and was determined in the affirmative—yeas 20, nays 14.

MONDAY, December 20.

On motion, by Mr. BIRN, that the injunction of secrecy on the proceedings of the Senate in respect to the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," be removed, a motion was made by Mr. WELLS, to amend the motion. Whereupon,

Resolved, That the injunction of secrecy on the Message of the President of the United States of the 9th instant, and also on the proceedings of the Senate in respect to the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," be removed.

[*End of confidential business.*]

TUESDAY, December 28.

Encouragement to Privateers.

Mr. FROMENTIN submitted the following motion for consideration:

Resolved, That the committee to whom was referred so much of the Message of the President of the United States, as relates to the Navy of the United States, be directed to inquire into the expediency of providing by law for an increase of the bounty allowed to the owners, officers, and crews of the private armed vessels of the United States, and likewise into the expediency of allowing the same bounty to the officers and crews of the public ships of the United States.

THURSDAY, December 30.

Honors to Captain Perry.

The resolutions expressive of the sense of Congress of the gallant conduct of Captain Oliver H. Perry, the officers, seamen, marines, and infantry acting as such, on board of his squadron, were read the second time. On the question, "Shall these resolutions be engrossed, and read a third time?" it was determined in the affirmative.

Honors to Lieutenants Burrows and McCall.

The resolution relative to the brilliant achieve-

JANUARY, 1814.]

Bounty for Enlistment.

[SENATE.]

ment of Lieutenants Burrows and McCall was read the second time. On the question, "Shall this resolution be engrossed, and read a third time?" it was determined in the affirmative.

WEDNESDAY, January 5, 1814.

Honors to Capt. Lawrence.

The resolution relative to the brilliant achievement of Captain James Lawrence, in the capture of the British vessel of war the *Peacock*, was read the second time, and considered as in Committee of the Whole; and sundry amendments having been agreed to, the PRESIDENT reported the resolution to the House amended accordingly.

On the question, "Shall it be read a third time as amended?" it was determined in the affirmative.

The amendments to the resolution relative to the brilliant achievements of Captain James Lawrence in the capture of the British vessel of war the *Peacock*, having been reported by the committee correctly engrossed, it was read a third time by consent.

TUESDAY, January 11.

JOHN CONDICT, from the State of New Jersey, attended.

MONDAY, January 17.

Relief to Nantucket.

On motion, by Mr. ROBINSON, the Senate resumed, as in Committee of the Whole, the consideration of the bill for the purpose of procuring subsistence for the inhabitants of Nantucket, Martha's Vineyard, Block Island, and the adjacent Islands thereto, together with the amendments reported by the select committee; and having agreed to the amendments, and further amended the bill, the PRESIDENT reported it to the House accordingly.

On the question, "Shall this bill be engrossed and read a third time as amended?" it was determined in the affirmative, yeas 18, nays 10, as follows:

YEAS.—Messrs. Anderson, Brent, Brown, Campbell, Chase, Condict, German, Howell, Lacook, Leib, Morrow, Robinson, Smith, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS.—Messrs. Bibb of Georgia, Daggett, Fromentin, Goldsborough, Gore, Hunter, King, Lambert, Mason, and Wells.

Bounty for Enlistment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to increase the bounty to be allowed to persons who shall enlist in the army of the United States, and to promote the recruiting service.

Mr. GOLDSBOROUGH rose and addressed the Chair as follows:

Mr. President: I would with pleasure obey the admonition of the honorable Senator from Georgia, (Mr. BIBB,) who has just taken his seat, if after the bold discussion which this subject

has undergone, I did not feel myself imperiously called on to justify the vote I shall give. His admonition comes to late; we have progressed beyond the point of return, and we stand pledged in the view of the nation to answer for our conduct.

If we contrast the bounty proposed to be given by this bill, with that which has formerly been given, we shall be astonished at the great disparity between them. Hitherto the men enlisted, for five years or during the war, have had sixteen dollars bounty and one hundred and sixty acres of land. Those who enlisted for twelve or eighteen months, had the sixteen dollars without the land—and the last year an act of Congress gave those who enlisted for five years, or during the war, the increased advantage of three months' pay in advance, which amounted to twenty-four dollars in addition to the former sixteen. If we extend our view further, the contrast will be more striking. In Great Britain, the country of our enemy, the usual bounty is about a guinea a man, and on the Continent of Europe it does not exceed two dollars; whilst we are giving from one hundred to one hundred and twenty dollars bounty, eight dollars extra fee, and a total exemption from militia duty to any one who will procure a recruit; with from one hundred and sixty to three hundred and twenty acres of land at the end of the service. What nation can stand under such extravagance as this? What country can possibly carry on an efficient warfare for any time upon such terms?

But, sir, there is a consideration which may not be altogether unworthy of attention; how far this extravagant use of the public money in raising an army may have a prejudicial effect upon your navy. If we give this enormous bounty for the land service, will it not be just as well as necessary, to give a corresponding bounty for the sea service? Or will you exalt the one and depress the other? Will you depress that service which, when the honor of the nation languished on the shore, bore it in triumph o'er the main, unsullied by reproach, and on which you must ultimately depend, when a better policy bears away, efficiently to contend with every foreign foe? I hope not, sir. If you should increase the bounty now contemplated it will be irrevocably fixed; you can never diminish it; you can never expect again to enlist another soldier for a less premium. You will then, sir, have the further difficulty of adjusting so prodigal an expenditure of the public money to the necessities of a Treasury filled exclusively by loans and taxes. I well remember the sentiment of the honorable gentleman from Kentucky, (Mr. BLEDSOE,) who said that when the national rights were in contest, he would not count the cost. Sir, I honor the feelings that dictate such a sentiment, and the only reply I can make to it is, that statesmen must calculate as well as feel.

Mr. WELLS rose and addressed the Chair as follows:

Mr. President, the bill before us is for filling up the present establishment of the army; and proposes to effect this purpose, by giving a very extraordinary bounty to each recruit hereafter entering the service.

I am at a loss to determine by what rule any of the bounties, which have been talked of upon this occasion, have been governed. None of them bear any reasonable proportion to the sum allowed at present by law. The bounty established by law is only sixteen dollars. Nominally it is more; but the excess is only an advance of pay. The proposed bounties go still further beyond what is usually allowed for this purpose in other countries.

A bounty in land is liable, in my mind, to two objections. It will create a fund for speculation; and, taking up a good deal of the labor of the country, will transfer a larger part of it, at the conclusion of the war, to the Western States. At the end of the war, I could wish to see our laborers who are temporarily detached from us, returned to the districts from which they were drawn. And besides, if the object be simply to fill up the army, and is unconnected, as I am bound to presume it is, with any favorite local policies, which can only be promoted at the expense of particular interests, the surest way to obtain your soldiers is to pay them down at once the bounty they are to have. You would get their service, in this way, at a fairer and cheaper rate to the public than in any other.

I do not mean, however, to say, when I am objecting to the enormity of the proposed gratuities, that some increase of the present established bounty is not necessary. A state of things, in this country, is brought about, which ought to have been within the foresight of those who precipitated us into this war. It is certainly true, as has been well observed, that a population thinly spread over a great expanse of country, accustomed to convenient interchanges by water, requiring but little labor to transport its heaviest products, is suddenly obliged to transfer this operation to land conveyance; which, of course, has absorbed, if I may be allowed the term, much of the labor of the country. It is equally true that the almost total exclusion of foreign merchandise from our markets, by occasioning an extensive demand for our own manufactures, has produced an additional absorption of labor. From the remaining stock of labor the supplies for your army are to be drawn after the other concerns of this country are provided for.

That by these competitions the difficulty of enlisting your army is in no small degree increased, I am willing to admit. But I am far from being prepared to say, that the inefficiency of this country for war is such as to justify the prescription of such bounties as are now proposed to be given. Much, however, perhaps every thing material in relation to this subject of bounty, depends upon the kind of war you wage. It is the first inquiry, sir, the recruit

will make of you—and according to the answer you give him, will be the price he will ask you —“Am I to march to Canada?” If you tell him that there the service is to be performed which you require of him, if he does not turn his heel upon you, he will ask you fully the price now proposed to be given to him. But ask him what bounty he will take to fight for his parents, for his sisters, for his wife and his children—to meet the invading foe, and repel him from his country; talk to him in this way, make an appeal of this kind to him, and he will be yours without very high bribing.

No, sir, it is not for this kind of war your soldier is to be enlisted. Not his own, but a foreign country is to be the theatre of his glory. Canada is to be that theatre. There the war is to be waged by us and not here. The bounty proves it. The price you offer shows what you want. If we establish, then, this bounty, we do virtually approve of, we do advise the war in Canada. I cannot approve of that war, I cannot advise its prosecution there. I, therefore, cannot vote for these bounties.

TUESDAY, February 1.

Bounty to Privateers.

The bill in addition to an act, entitled “An act allowing a bounty to the owners, officers, and crews, of the private armed vessels of the United States,” having been reported by the committee correctly engrossed, was read a third time, and the blanks filled.

On the question, “Shall this bill pass?” it was determined in the affirmative—yeas 15, nays 10, as follows:

YEAS.—Messrs. Bledsoe, Brown, Chace, Condict, Fromentin, Gaillard, Giles, Howell, Lacock, Leib, Morrow, Stone, Taylor, Varnum, and Worthington.

NAYS.—Messrs. Daggett, Dana, Gilman, Goldsborough, Gore, Horsey, King, Lambert, Mason, and Wells.

So it was resolved that this bill pass.

THURSDAY, February 8.

Maryland Memorial.

Mr. GOLDSBOROUGH presented the memorial of the House of Delegates of the State of Maryland, on the awful condition of national affairs in general, and the exposed and defenceless situation in which that State in particular, has hitherto been left by the General Government, under the calamities of a war, which, with the consequent measures thereon, they highly disapprove, and earnestly entreating the national authorities to furnish them the necessary munitions and means of defence, together with a speedy reimbursement of the moneys already advanced by the State for those purposes; and that the negotiations for peace, about to be instituted, may be carried on with a just and earnest intention of bringing them to an amicable result.

FEBRUARY, 1814.]

Patent Rights.

[SENATE.]

In presenting the memorial, Mr. GOLDSBOROUGH addressed the Chair as follows:

Mr. President: In obedience to the commands of the House of Delegates of Maryland, I have the honor to present to the Senate the address of that honorable body to the President and Congress of the United States.

The substance of the address, sir, is a strong and able view of the present situation of our national affairs; a faithful and emphatical description of the exposed and defenceless condition of the State; and a dignified petition, *in the true spirit of the constitution*, for efficient protection and defence. It sketches in glowing colors, and from comprehensive views, the leading causes of the war, and concludes with an earnest and respectful entreaty to the constituted authorities of the nation that they would avail themselves of the present auspicious moment to stay the horrors and calamities that oppress us, and once more restore to our country and its citizens the blessings of peace.

The address then being read by Mr. G., he made a motion that it should be printed.

The question was then taken on the motion to print the memorial, and decided as follows:

YEAS.—Messrs. Brown, Daggett, Dana, Fromentin, German, Gilman, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, Stone, and Wells.

NAYS.—Messrs. Anderson, Bledsoe, Campbell, Chace, Condict, Gaillard, Giles, Howell, Laocock, Leib, Morrow, Taylor, Turner, Varnum, and Worthington.

Ayes 15, nays 15—so the question was lost.

FRIDAY, February 4.

The VICE PRESIDENT of the United States attended.

MONDAY, February 7.

Secretary of the Treasury.

The Senate resumed, agreeably to the order of the day, the resolution submitted by Mr. MASON on the 24th of January.

Mr. BIBB, of Georgia, said, that when these resolutions should be discussed, he believed he could show that they were out of order, and therefore not admissible; but as he was about to propose a postponement, he should not raise the question of order. Whenever, he said, it should be ascertained by the Executive that Mr. Gallatin would not speedily return, it had been in its contemplation to appoint a Secretary of the Treasury in his stead. Late circumstances had induced the impression that his speedy arrival was at least doubtful; and he believed that the Executive had determined to appoint a Secretary for the Department over which that gentleman had presided. This was a reason sufficient to induce the mover of these resolutions to consent to postpone their consideration to Monday. If a Secretary should not at that time have been nominated, the resolutions might be taken up, and Mr. B. said he would submit the question of order to which he had before

adverted. But he had, on his part, no sort of doubt the alleged vacancy in the Treasury would in the mean time be filled.

Mr. MASON expressed his earnest desire that these resolutions should be taken up at an early day. The postponement to this day had been made at the suggestion of the gentleman who now moved a further postponement, and nearly for the same reasons as were now assigned. The subject Mr. M. conceived to be all important—the more so as an opinion had been publicly expressed on this floor, when a motion was made to postpone, (a day or two ago,) that the office of Secretary of the Treasury was vacant. That opinion he believed was entertained by many; and, if the fact were so, it was time that something should be done on the subject. As to the alleged intention to appoint a Secretary of the Treasury, he did not know that it ought to have weight at all—the object of his motion being to declare the constitutional law on this subject. If this motion was persisted in, Mr. M. said he must enter generally into the subject, to show why it should not prevail. As he was unwilling, however, to enter incidentally into a subject of this magnitude, if the gentleman would vary his motion to an earlier day, he would consent to the postponement.

After some conversation across the House, between Messrs. MASON and BIBB, in an undertone, Mr. BIBB varied his motion for postponement to Friday; and the motion was agreed to *nem. con.*

SATURDAY, February 26.

Patent Rights.

Mr. SMITH, from the committee to whom was referred the memorial of Isaac McPherson and others, on the subject of the patent granted to Oliver Evans, under the act of the 21st January, 1808, entitled "An act for the relief of Oliver Evans," made a report; which was read. The report is as follows:

That in the year 1787, Oliver Evans obtained from the States of Pennsylvania, Delaware, and Maryland, laws vesting him with the exclusive right to use, in those States, the elevator and hopperboy, being inventions or improvements claimed to have been made by him in the process of the art of manufacturing flour. That, in the year 1790, he obtained a patent under the laws of the United States for the elevator and hopperboy and also for the screw or conductor, an additional improvement in the art, claimed also as his invention and improvement; that for fourteen years (the term of his first patent) he continued to receive, from nearly all the persons employed in the art of manufacturing flour, from thirty to forty dollars (being the prices which he then deemed sufficient) for the use of the machinery for each water wheel.

That, about three years after the expiration of his patent, to wit: in the year 1807, a suit, pending in the court of Pennsylvania, was decided against him, "on the ground that his patent was deficient in form, and, therefore, invalid." It is, however, believed by your committee, that its invalidity was unknown until after the trial; and that nearly all engaged in the manufacturing of flour, during the term of his

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Michigan Sufferers.

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patent, had paid. A plea, however, was made by the said Oliver Evans, to wit: that little benefit had arisen to him from his patent, because of the deficiency in form thereof; and Congress, in consequence, passed a law, dated 21st January, 1808, "for the relief of Oliver Evans;" thereby granting to the said Evans, his "heirs, &c., for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using, and vending to be used, his invention, discovery, and improvement in the art of making flour and meal, and in the several machines which he has invented, improved, and applied to that purpose."

That, under that act, a patent issued to the said Evans, dated 22d January, 1808, for the term of fourteen years. By the authority derived therefrom, he claims that there is secured to him, not only the exclusive privilege of using the machine specified therein, but a power to "prohibit the use of any other invention that shall accomplish the same effect, although the principles be ever so different." In proof whereof, the said Evans has actually instituted a suit against Jeremiah Bayley, to recover damages for using his own invention, (for which he has received a patent,) which, by the application of wind, conveys wheat or flour from one part of a mill to another.

Since the passage of the said act, he, the said Evans, has demanded and received for the use of his machinery unusual, and, in the opinion of your committee, extravagant prices, to wit: for a pair of stones of four and a half feet diameter, for which, under his first patent, he charged thirty dollars, he now demands three hundred dollars; for those of six feet, for which he formerly received forty dollars, he now charges five hundred and twenty dollars; and for a pair of seven feet stones, his demand is seven hundred and thirty-five dollars. For a mill (now building) to run five pair of stones of seven feet diameter, his demand is three thousand six hundred and seventy-five dollars, for which, under his former patent, he would only have demanded two hundred dollars.

The memorialists have produced proof to show that the said Evans is not the original inventor of any of the machinery specified in his patent, to wit: that the principles of the elevator have been known for ages; and particularly in latter years, through their use in the well known operation of the chain pump. That the hopperboy was invented by Christian Stouffer, and used in the mills of his father, brother, and others, prior to the year 1775. That the screw or conductor was invented and used by Jonathan Ellicot, prior to the date of the first patent obtained by the said Evans in 1790. It is admitted by the said Evans that he is not the *original inventor* of any of the *principles* of the machines specified in his patent, but that he is the inventor of improvements therein, and that he has combined and applied the whole to operate their present useful effects; that is to say, that he invented the leather strap, and improved and applied the principles of the chain pump to the purposes now in use for his elevator; that he has improved the hopper machine, now called the hopperboy; and that he has made some useful improvements in the conductor, and has applied it to the purposes specified in his patent. The memorialists have submitted proof to show that the elevator, by a strap, had been in use in the year 1786, in the mill of Marshal and Stroud, near the residence of the said Evans, which had been seen by him, and that, in consequence, they, Marshal and Stroud, had been exempt-

ed from payment for the use of the elevator and hopperboy, under the acts of Pennsylvania, Delaware, and Maryland.

The committee are of opinion, that the act for the relief of Oliver Evans was an act of benevolence which Congress were under no obligation to grant; his patent having expired nearly three years; that it could not have been expected that an act of such high favor would have been used for the purpose of extortion and oppression. It must have been believed that the patentee, grateful for the extraordinary favor conferred on him, would have used the right reinstated in him with moderation and temper. It is, however, with regret that the committee are compelled to state that he has abused the power vested in him by an act intended for his relief, to the oppression of individuals, by the exaction of exorbitant sums of money for the use of the machines specified in his patent, and by his attempt to prevent the use of the inventions of others, which, although entirely different in principle, are capable of operating the same effect.

To prevent the said Evans from abusing (in future) the power vested in him, the committee submit a bill to amend the act, entitled "An act for the relief of Oliver Evans."

Mr. SMITH then, from the same committee, reported a bill to amend the act, entitled "An act for the relief of Oliver Evans," and the bill was read, and passed to the second reading. And the Senate adjourned.

MONDAY, February 28.

JONATHAN ROBERTS, appointed a Senator by the Legislature of the Commonwealth of Pennsylvania, in place of Michael Leib, resigned, produced his credentials, was qualified, and took his seat in the Senate.

Michigan Sufferers.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

It has appeared that, at the recovery of the Michigan Territory from the temporary possession of the enemy, the inhabitants thereof were left in so destitute and distressed a condition as to require from the public stores certain supplies essential to their subsistence, which have been prolonged under the same necessity which called for them.

The deplorable situation of the savages, thrown by the same event on the mercy and humanity of the American commander at Detroit, drew from the same source the means of saving them from perishing by famine; and, in other places, the appeals made by the wants and sufferings of that unhappy description of people have been equally imperious.

The necessity imposed by the conduct of the enemy in relation to the savages, of admitting their co-operation, in some instances, with our arms, has also involved occasional expense in supplying their wants; and it is possible that a perseverance of the enemy in their cruel policy may render a further expense for the like purpose inevitable.

On these subjects an estimate from the Department of War will be laid before Congress, and I recommend a suitable provision for them.

JAMES MADISON.

FEBRUARY 26, 1814.

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Executive Appointments.

[SENATE.]

MONDAY, March 7.

Mr. BRIBB of Georgia, submitted the following resolutions for consideration :

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show what has been the practice of Great Britain concerning her native subjects naturalized in other countries and taken in arms against her; also, what is the general practice of the nations of Europe relative to the naturalization or employment in war of the native subjects of each other.

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show under what circumstances, and on what grounds, Great Britain has been in the practice of refusing to discharge native citizens of the United States impressed into her service.

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show what has been the conduct of Great Britain relative to American seamen on board her ships of war at and since the commencement of the war with the United States.

Executive Appointments.

The following motion was made by Mr. GORE, with closed doors, on the 28th of February last :

The President of the United States having by the constitution power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session :

Resolved, That, in the opinion of the Senate, no such vacancy can happen in any office not before full.

Resolved, That, in the opinion of the Senate, the office of Envoy Extraordinary and Minister Plenipotentiary, to negotiate and sign a Treaty of Peace with the United Kingdom of Great Britain and Ireland, had not been filled at any time after the declaration of war upon the eighteenth day of June, A. D. 1812, and before the late recess of the Senate upon the third day of March last, when the same was not full.

Resolved, That the granting of commissions to Albert Gallatin, John Q. Adams, and James A. Bayard, to be Envoys Extraordinary and Ministers Plenipotentiary, to negotiate and sign a treaty of peace with the United Kingdom of Great Britain and Ireland, during the late recess of the Senate, as in the President's Message to the Senate of the twenty-ninth day of May last, is stated to have been done, was not, in the opinion of the Senate, authorized by the constitution, inasmuch as a vacancy in that office did not happen during such recess of the Senate, and as the Senate had not advised and consented to their appointment: Whereupon,

Resolved, That, while the Senate venerates the authority and dignity of the office of President of the United States, and will, at all times, as a high and essential power in the constitution, exert themselves to maintain and preserve undiminished the whole Executive authority thereby established, they owe it to the trust confided to themselves, as well as to the States, their constituents, to protect the power over

appointments to office, which the constitution has placed in that body. From these considerations, joined to the conviction that the rights of the Senate have been infringed by an important act, to the validity of which the advice and consent of the Senate were essential; the Senate find themselves called upon, by their duty to the States, and in support of the constitution, reluctantly to protest, and they do hereby solemnly protest, against the commissioning as aforesaid of Albert Gallatin, John Q. Adams, and James A. Bayard, as an act not authorized by the constitution, and in the performance of which, the power of the Senate has been disregarded.

Resolved, That an authenticated copy of the foregoing resolution be delivered to the President, by a committee of — members of the Senate.

On motion, by Mr. TURNER, this day having been assigned for the consideration thereof, with open doors, it was accordingly taken up.

Mr. GORE addressed the Chair as follows :

Mr. President: The subject which occasioned these resolutions will be readily recognized to be the President's commissioning Messrs. Gallatin, Adams, and Bayard, Envoys Extraordinary, to negotiate a Treaty of Peace with the United Kingdom of Great Britain and Ireland, during the recess of the Senate, prior to their session in May last.

When the Message of the President announced that he had commissioned these gentlemen during the recess, the supposed irregularity was noticed, and frequently made the topic of discussion. It was then remarked that, although the granting the commission during the recess might be irregular, it was not an evidence against the fitness of the gentlemen for the office to which they were named. The advice and consent of the Senate to their appointment could only give validity to the commission which would issue after the date of such advice and consent. That the nomination, with its circumstances, was sufficiently perplexing, without the addition of any difficulties that were not necessarily involved in its consideration. That the subject of the resolutions, if passed at that time, might unduly influence in the question of appointing the Envoys, and the desire of appointing them might, on the other hand, have an improper influence in the decision of this question. The subject was therefore waived until the Senate had acted on the nomination. The resolutions were then brought forward, but this was so late in the session, that several members had gone home, and all were preparing to go. They were therefore postponed. So soon as the Senate appeared to be as full as it was expected to be this session, the resolutions were brought forward.

I have thought it not improper, sir, to make this statement, as a reason why this subject has been so long delayed, and why it is brought forward at the present time, and, I trust, under such circumstances, as will insure to it a temperate discussion, and a just decision.

The second section of the second article of the constitution treats of the power of appointment to office, under that instrument. It con-

stitutes and defines the authorities in whom this power shall be vested, the circumstances in which it may be varied, and the modifications wherewith it may be exercised.

Speaking of the President, the section declares, "he shall nominate, and, by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law, but the Congress may, by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments."

"The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session."

The power of appointment is vested in the President and Senate with specified exceptions, otherwise provided for, by the constitution itself, and of such cases of inferior officers, whose appointments Congress may by law vest in the President alone, in the courts of law, or in the heads of departments. The depositing of this power of appointment in these two great departments of Government was, from the very nature and constitution of one of them, subject to inconvenience. The President, at all times and in all places, contains, within his own person, all the powers and authorities of his high office. This department is always in existence.

The Senate consists of various members, having no power or authority but when legally assembled together, and acting in a body, under one head, and with their recording officers. They were neither expected nor intended to be always in session.

Vacancies in office might happen during their recess.

To guard against a failure of the public service, from this circumstance, the constitution provides a remedy, taking especial care that the remedy shall be no greater, than to relieve against the mischief that was apprehended.

To this end, it declares that the President, one of these departments, a portion of this depository of the general authority of appointment, shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at their next session.

The power of appointment is vested, conjointly, in two branches of the Government. A case is described, in which one branch may, under special circumstances, exercise a modified power. What is that case? It is the case of a vacancy in an office, a vacancy of a certain and definitive character, viz: a vacancy that may happen during the recess of the Senate. If the vacancy happen at another time, it is not the case described by the constitution; for that specifies the precise space of time wherein the vacancy must happen, and the times which de-

fine this period bring it emphatically within the ancient and well-established maxim: "*Expressio unius est exclusio alterius.*"

The reason why the constitution adopts this precise language and so strictly limits the case, is evident from the spirit and intention of that instrument, in the distribution of the powers thereby created and delegated.

The intent of the constitution was to vest the power of appointment in two departments of the Government. It would defeat its own purpose, then, were it to authorize one of these departments to exercise this power, except in the specified case in which the public interest may require immediate action, and the other could not be convened seasonably for this purpose.

An office is created by the constitution, or by some law in pursuance thereof. A vacancy may be said to exist in such office, immediately after its creation. Such, however, is not the case provided for by the clause under examination. It is the case of a vacancy that may happen during the recess of the Senate.

If the vacancy existed during the session, it could not be said to have happened during the recess; that is, within a period which, *ex vi terminorum*, excludes the very time when it did happen.

If a vacancy happen in an office, the office must have been before full; for, to assert that a vacancy has happened, necessarily implies the fact, that such office had previously an incumbent—that it was before full. If a vacancy exist prior to, it does not happen in the recess of the Senate. Therefore, for a vacancy to happen at any time in an office, that office must have been full at some time previous to the period when it did happen; for a vacancy to happen during the recess of the Senate, the office must have been full during their session prior to, and at the commencement of their recess. Were it not for the precision of language used in this grant to the President, and the unavoidable construction thereof, a great and manifest object of the constitution, viz: the vesting the power of appointment in two great organs of the Government, the President and the Senate, might have been totally defeated, by an assumption of the whole power by the President.

Vacancies exist in all offices, however created, until persons are appointed to fill them.

If an office had been created by law, or otherwise, and brought into existence during the session of the Senate, it would be only for the President to wait until their recess to commission a person to fill the vacant office, prefer his name to the Senate at their next session, and a short time before their recess. If disapproved, he may be re-commissioned immediately on the adjournment, and the same course be pursued at the subsequent as at the preceding session. In this way an officer, and, if one, all officers, might be commissioned and continued in office, as long as the President should please, not only without, but contrary to, the advice and con-

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ment of the Senate, a department of the Government constituted by the constitution an essential branch in the power of appointment.

The second resolution is an assertion of the opinion of the Senate as to a mere matter of fact, which I presume will not be doubted, and although necessary to effect the conclusion contained in the subsequent resolutions, needs no comment.

The third seems to be an unavoidable corollary from the opinions and facts declared in the preceding resolutions and in this.

The observations before made preclude the necessity of much remark on this resolution, as most which would be pertinent now have already been presented to the consideration of the Senate. Some general notice, however, will be taken of the powers and authorities of the constitution in regard to the subject under discussion.

In recurring to the constitutional power of appointment it will be seen that it consists of two branches of authority, to be exercised by two distinct bodies, acting independently of each other; but, in order to effectuate an appointment, both must concur.

The power of nomination is exclusively in the President. That of appointment is vested in the President and Senate jointly, and their advice and consent are as necessary to effect an appointment as the nomination of the President.

If the constitution stopped at the end of the second paragraph of the section before quoted, the only inquiry, in order to determine on the necessity of the advice and consent of the Senate to an appointment, would be, whether the officer were an inferior officer, and whether Congress had by law vested the appointment in the President alone, in the courts of law, or in the heads of departments.

The answer in the case now under consideration is, Congress have made no law respecting it; and further, that Congress have no power to vest the appointment of these officers in any one, they not being inferior officers.

If Congress have no power to vest this appointment in the President alone, it would seem free from all doubt, that the President could not rightfully exercise such an authority; and equally so, that the Senate could not surrender their authority, or acquiesce in its exercise by another. The Senate is a trustee for the benefit of the public, of all the powers vested in them. Wherever a power is vested in a trustee, there is a correspondent duty to exercise such power, and not to surrender it to another.

It will not be amiss, in considering this subject, to keep in view how sacredly the people intended to guard this right, and this duty in the Senate, by not permitting that body, even with the concurrence of the House of Representatives, and the President, to discharge itself of such a duty, by a surrender thereof to any other body.

If it be attempted to defend this appointment, it will probably be on the last paragraph in this

section, which authorizes the President to fill up all vacancies that may happen during the recess of the Senate. Sufficient has been said, I trust, to show that no authority can be derived from this clause.

It has been suggested, that the President has a right, by the constitution, to create the office of Ambassadors and other public Ministers. An office is created by the constitution, or by some power under it. Prior to its being so created, it does not exist. Whatever power is granted, as regards the appointment of public Ministers, is in that clause which says, "the President shall nominate, and, by and with the advice and consent of the Senate, shall appoint." If this, then, be the power of creating the office, it must be an actual appointment, and that can be only by the President and Senate. No other authority than what is embraced by these words can be found for the creation of the office of public Ministers, and this is not in the President alone, but in the President and Senate. In other words, the appointment makes the office, and the appointment cannot be made without the concurrent judgment of these two great organs of the Government.

Perhaps it may be more proper to consider the office of Ambassador and public Minister as necessarily existing, from the relation of the United States, as an independent power to other independent powers, and thus recognized by the constitution. Most offices are created by laws enacted by Congress. The practice has been, in cases where there is reason to apprehend that sufficient time will not be afforded, during the session of the Senate, for a proper selection of persons to fill such offices, and that inconveniences might result from delay till their next session, to authorize the President to appoint such officers in the recess of the Senate. This course will be found to have been adopted early in the history of this Government. There is one act to this effect, of March 3, 1791, volume 1, page 301. This was in the second session of the 1st Congress, and the practice has been invariably continued since. An act is also made (March 3, 1799) to authorize the President to fill up vacancies that happen during the session of the Senate.

In these cases the offices undoubtedly exist, and the authority given to the President in them, goes on the presumption that there exists a vacancy at the time of passing the act, and that such vacancy will exist during the recess of the Senate. If nothing further were necessary, than the existence of an office, and a vacancy therein, to entitle the President, constitutionally, to make the appointment in the recess of the Senate, this authority, by law, would be unnecessary.

Congress, then, and this Senate, as one branch of Congress, seem to have settled the question, and one may fairly say, the President also; for if, in his opinion, the power of appointment to vacant offices was vested in him by the constitution, he would hardly consent to receive that

power from Congress, especially as thus receiving it must be construed into an acknowledgment that he could derive no such power immediately from the constitution. The construction of an instrument made contemporaneously with, or shortly after, its formation, may be safely relied on for disclosing the intention of the framers, in the language they used.

It is well known that the first President of the United States was also President of the Convention that reported the constitution; and that two of the heads of departments, and many of the first Senate, had been distinguished members of the same convention.

It will be found, by a reference to the Executive Journals of the Senate during the Administration of President Washington, that at each session of the Senate, and shortly after their meeting, he sent messages on the subject of appointments during the recess, that left no doubt of his construction of the constitution in this particular—vol. 1, pp. 236, 389; vol. 2, pp. 9, 76. In addition to the conclusion to be drawn from these messages of President Washington, a fact is stated by Chief Justice Marshall, in his *Life of Washington*, which shows distinctly the construction of that great man on his constitutional powers, in a case analogous to the one under consideration; and that, notwithstanding the circumstances were urgent, he did not feel himself authorized to act in the recess of the Senate, in the case of a vacancy that did not happen in such recess.

Thus, sir, I have supported the construction of the constitution contained in the resolution now on your table, by the literal sense and meaning of the terms used in that instrument, by its obvious spirit and intent, by the judgment of the President, Senate, and House of Representatives, repeatedly, deliberately, and solemnly given, in their legislative acts, and by the uniform conduct of President Washington during his Administration.

To maintain the rights of this department of the Government, and thereby protect those of the States represented in this body, is not only the privilege, but a sacred duty of the Senate, with which, in my judgment, we are not at liberty either to compromise or equivocate.

To the end, then, sir, that we may arrest the progress of an evil, which subverts the organization of the Government, by depriving the Senate of their constitutional authorities, and vesting them in the President of the United States, I propose these resolutions, which contain the solemn protest of the Senate, and provide for its presentation to the Supreme Magistrate.

On motion, by Mr. BIBB, of Georgia, the further consideration of the resolutions was postponed to, and made the order of the day for, Wednesday next.

WEDNESDAY, March 9.

Bounty to Privateers.

Mr. GAILLARD, from the same committee, to

whom was referred the amendments to the House of Representatives to the bill, entitled "An act in addition to an act, entitled 'An act allowing a bounty to the owners, officers, and crews, of the private armed vessels of the United States,' " reported that the Senate concur therein.*

Naturalized Citizens.

The Senate resumed the consideration of the motion submitted on the 7th instant, which was amended; and, on motion by Mr. KING, the following amendment to the second resolution, was agreed to.

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, of the cases, with their circumstances in which any civilized nation has punished its native subjects taken in arms against her, and for which punishment retaliation has been inflicted by the nation in whose service they were taken.

Whereupon—

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show what has been the practice of Great Britain concerning her native subjects, naturalized in other countries, and taken in arms against her; also, what is the general practice of the nations of Europe, relative to the naturalization or employment in war between two nations of the native subjects of each other.

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, of the cases, with their circumstances, in which any civilized nation has punished its native subjects taken in arms against her, and for which punishment retaliation has been inflicted by the nation in whose service they were taken.

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show under what circumstances, and on what grounds, Great Britain has been

* The act as passed, That, in lieu of the bounty now allowed by law, the sum of one hundred dollars be paid to the owners, officers, and crews of the private armed vessels of the United States, commissioned as letters of marque, for each and every prisoner by them captured and delivered to an agent authorized to receive him in any port of the United States, or of a power at war with Great Britain, or delivered at any station within the dominions of the King of Great Britain, established for the exchange of prisoners of war, whereby such prisoner shall be actually placed, and allowed by the Government of the Kingdom of Great Britain and Ireland, in the account of prisoners to the credit of the United States. And the Secretary of the Treasury is hereby authorized and required to pay, or cause to be paid, to such owners, officers, and crews of private armed vessels commissioned as aforesaid, or their agents, the aforesaid sum for each prisoner captured and delivered as aforesaid.

SEC. 2. And be it further enacted, That, for the purposes aforesaid, the sum of two hundred thousand dollars, out of any money in the Treasury not otherwise appropriated, be and the same is hereby appropriated.

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in the practice of refusing to discharge native citizens of the United States impressed into her service.

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show what has been the conduct of Great Britain relative to American seamen on board her ships of war, at and since the commencement of the war with the United States.

THURSDAY, March 31.

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The Senate resumed the consideration of the motion submitted by Mr. GORE, as is stated on the 7th instant.

Mr. BIER, of Georgia, rose and addressed the Chair as follows:

Mr. President:—The propositions now before the Senate, whether viewed in reference to the constitutional grounds they assume, or to the circumstances which cause their introduction, present to my mind a most extraordinary aspect.

I shall endeavor to show, that if the principle laid down in the first resolution, from which the conclusions contained in the subsequent resolutions are deduced, were admitted, that the course of proceeding proposed is unauthorized by the constitution. And I shall endeavor to show that the President has done as he ought to have done; that he has conformed to the fair interpretation of the constitution, and to the uniform practice under it from the commencement of the Administration of General WASHINGTON to the period when commissions were granted to Albert Gallatin, John Q. Adams, and James A. Bayard.

Sir, we are called upon to annex by resolve a codicil to the constitution—to usurp the authority of determining what are the powers belonging to another independent department of the Government; and, having prescribed such limits as may be suitable to our own purposes, we are then to decide that that department in the discharge of its duties has disregarded the obligations of the instrument from which its powers are derived. What clause of the constitution, I ask, authorizes the Senate to expound its provisions for the President, or in this way to sit in judgment on his conduct? The constitution has defined the respective limits of the departments—their rights, duties, and responsibilities; and the conduct of neither can be restrained or condemned by the other, except in the mode expressly provided. On the present occasion, however, it is gravely proposed to assume a power not granted, and to violate a maxim the soundness of which is universally admitted—that no man shall be a judge in his own cause. A trespass on the rights of the Senate is asserted, and the Senate are called upon to decide the case. The Presi-

dent of the United States is to be adjudged guilty of a violation of the constitution which he has sworn to support; and that, too, without allowing him a privilege which is secured to every freeman—the privilege of being heard in his own defence. We are to become both accusers and judges. Yes, sir, the tribunal before whom the President is to be tried in case of an impeachment, are now to accuse—to prejudice—to condemn—to disqualify themselves as judges, if the House of Representatives should think it proper to impeach! Adopt the resolutions, and you will have done that which would disqualify a juror before any court, for sitting on the trial of an offender. I trust I shall not be told that the resolutions do not condemn the President—that they only express an opinion relative to the powers of the President. This would be quibbling in a manner and to an extent unworthy the dignity of this honorable body. You do propose solemnly to adjudge that he is guilty of a high offence—that he has violated the constitution and disregarded the rights of the Senate.

The constitutional control of the Senate over the Executive is particularly defined by the instrument; and unless the power of censure and condemnation now proposed to be exercised is among the powers enumerated, it does not exist. What are the controlling powers of the Senate? A negative on nominations to office and on treaties. The power of acquittal or condemnation in case of impeachment, and in none other, is also vested in this body. The power of accusing—of preparing articles of impeachment, is exclusively vested in the House of Representatives; and, considering the intimate connection between the powers of the Executive and of the Senate, without this check in the other branch, the President would cease to be the head of a co-ordinate department of the Government—he would become a mere instrument in the hands of the Senate. The constitution has wisely provided that the House of Representatives shall accuse before the Senate can condemn; and, sir, it is this barrier to the absolute dominion of the Senate we are now called upon to destroy. Assume the authority of prescribing the limits of the Executive powers—of accusation and condemnation, and in every view of which the case is susceptible, I pronounce that you are guilty of an act of usurpation unparalleled in the history of this Government. If you can suppose a corrupt Senate and President, and an act committed by the latter meriting impeachment, the Senate may decide, for the purpose of avoiding investigation, that he is innocent; and thus the House of Representatives are virtually precluded the exercise of their constitutional prerogative. It would be idle and absurd to impeach after the judges had decided on the guilt or innocence of the offender.

But, Mr. President, I will not dwell on this part of the subject. I will meet directly the resolutions, in the full persuasion that I shall

stitutes and defines the authorities in whom this power shall be vested, the circumstances in which it may be varied, and the modifications wherewith it may be exercised.

Speaking of the President, the section declares, "he shall nominate, and, by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law, but the Congress may, by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments."

"The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session."

The power of appointment is vested in the President and Senate with specified exceptions, otherwise provided for, by the constitution itself, and of such cases of inferior officers, whose appointments Congress may by law vest in the President alone, in the courts of law, or in the heads of departments. The depositing of this power of appointment in these two great departments of Government was, from the very nature and constitution of one of them, subject to inconvenience. The President, at all times and in all places, contains, within his own person, all the powers and authorities of his high office. This department is always in existence.

The Senate consists of various members, having no power or authority but when legally assembled together, and acting in a body, under one head, and with their recording officers. They were neither expected nor intended to be always in session.

Vacancies in office might happen during their recess.

To guard against a failure of the public service, from this circumstance, the constitution provides a remedy, taking especial care that the remedy shall be no greater, than to relieve against the mischief that was apprehended.

To this end, it declares that the President, one of these departments, a portion of this depository of the general authority of appointment, shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at their next session.

The power of appointment is vested, conjointly, in two branches of the Government. A case is described, in which one branch may, under special circumstances, exercise a modified power. What is that case? It is the case of a vacancy in an office, a vacancy of a certain and definitive character, viz: a vacancy that may happen during the recess of the Senate. If the vacancy happen at another time, it is not the case described by the constitution; for that specifies the precise space of time wherein the vacancy must happen, and the times which de-

fine this period bring it emphatically within the ancient and well-established maxim: "*Expressio unis est exclusio alterius*."

The reason why the constitution adopts this precise language and so strictly limits the case, is evident from the spirit and intention of that instrument, in the distribution of the powers thereby created and delegated.

The intent of the constitution was to vest the power of appointment in two departments of the Government. It would defeat its own purpose, then, were it to authorize one of these departments to exercise this power, except in the specified case in which the public interest may require immediate action, and the other could not be convened seasonably for this purpose.

An office is created by the constitution, or by some law in pursuance thereof. A vacancy may be said to exist in such office, immediately after its creation. Such, however, is not the case provided for by the clause under examination. It is the case of a vacancy that may happen during the recess of the Senate.

If the vacancy existed during the session, it could not be said to have happened during the recess; that is, within a period which, *ex vi terminorum*, excludes the very time when it did happen.

If a vacancy happen in an office, the office must have been before full; for, to assert that a vacancy has happened, necessarily implies the fact, that such office had previously an incumbent—that it was before full. If a vacancy exist prior to, it does not happen in the recess of the Senate. Therefore, for a vacancy to happen at any time in an office, that office must have been full at some time previous to the period when it did happen; for a vacancy to happen during the recess of the Senate, the office must have been full during their session prior to, and at the commencement of their recess. Were it not for the precision of language used in this grant to the President, and the unavoidable construction thereof, a great and manifest object of the constitution, viz: the vesting the power of appointment in two great organs of the Government, the President and the Senate, might have been totally defeated, by an assumption of the whole power by the President.

Vacancies exist in all offices, however created, until persons are appointed to fill them.

If an office had been created by law, or otherwise, and brought into existence during the session of the Senate, it would be only for the President to wait until their recess to commission a person to fill the vacant office, prefer his name to the Senate at their next session, and a short time before their recess. If disapproved, he may be re-commissioned immediately on the adjournment, and the same course be pursued at the subsequent as at the preceding session. In this way an officer, and, if one, all officers, might be commissioned and continued in office, as long as the President should please, not only without, but contrary to, the advice and con-

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sent of the Senate, a department of the Government constituted by the constitution an essential branch in the power of appointment.

The second resolution is an assertion of the opinion of the Senate as to a mere matter of fact, which I presume will not be doubted, and although necessary to effect the conclusion contained in the subsequent resolutions, needs no comment.

The third seems to be an unavoidable corollary from the opinions and facts declared in the preceding resolutions and in this.

The observations before made preclude the necessity of much remark on this resolution, as most which would be pertinent now have already been presented to the consideration of the Senate. Some general notice, however, will be taken of the powers and authorities of the constitution in regard to the subject under discussion.

In recurring to the constitutional power of appointment it will be seen that it consists of two branches of authority, to be exercised by two distinct bodies, acting independently of each other; but, in order to effectuate an appointment, both must concur.

The power of nomination is exclusively in the President. That of appointment is vested in the President and Senate jointly, and their advice and consent are as necessary to effect an appointment as the nomination of the President.

If the constitution stopped at the end of the second paragraph of the section before quoted, the only inquiry, in order to determine on the necessity of the advice and consent of the Senate to an appointment, would be, whether the officer were an inferior officer, and whether Congress had by law vested the appointment in the President alone, in the courts of law, or in the heads of departments.

The answer in the case now under consideration is, Congress have made no law respecting it; and further, that Congress have no power to vest the appointment of these officers in any one, they not being inferior officers.

If Congress have no power to vest this appointment in the President alone, it would seem free from all doubt, that the President could not rightfully exercise such an authority; and equally so, that the Senate could not surrender their authority, or acquiesce in its exercise by another. The Senate is a trustee for the benefit of the public, of all the powers vested in them. Wherever a power is vested in a trustee, there is a correspondent duty to exercise such power, and not to surrender it to another.

It will not be amiss, in considering this subject, to keep in view how sacredly the people intended to guard this right, and this duty in the Senate, by not permitting that body, even with the concurrence of the House of Representatives, and the President, to discharge itself of such a duty, by a surrender thereof to any other body.

If it be attempted to defend this appointment, it will probably be on the last paragraph in this

section, which authorizes the President to fill up all vacancies that may happen during the recess of the Senate. Sufficient has been said, I trust, to show that no authority can be derived from this clause.

It has been suggested, that the President has a right, by the constitution, to create the office of Ambassadors and other public Ministers. An office is created by the constitution, or by some power under it. Prior to its being so created, it does not exist. Whatever power is granted, as regards the appointment of public Ministers, is in that clause which says, "the President shall nominate, and, by and with the advice and consent of the Senate, shall appoint." If this, then, be the power of creating the office, it must be an actual appointment, and that can be only by the President and Senate. No other authority than what is embraced by these words can be found for the creation of the office of public Ministers, and this is not in the President alone, but in the President and Senate. In other words, the appointment makes the office, and the appointment cannot be made without the concurrent judgment of these two great organs of the Government.

Perhaps it may be more proper to consider the office of Ambassador and public Minister as necessarily existing, from the relation of the United States, as an independent power to other independent powers, and thus recognized by the constitution. Most offices are created by laws enacted by Congress. The practice has been, in cases where there is reason to apprehend that sufficient time will not be afforded, during the session of the Senate, for a proper selection of persons to fill such offices, and that inconveniences might result from delay till their next session, to authorize the President to appoint such officers in the recess of the Senate. This course will be found to have been adopted early in the history of this Government. There is one act to this effect, of March 8, 1791, volume 1, page 801. This was in the second session of the 1st Congress, and the practice has been invariably continued since. An act is also made (March 3, 1799) to authorize the President to fill up vacancies that happen during the session of the Senate.

In these cases the offices undoubtedly exist, and the authority given to the President in them, goes on the presumption that there exists a vacancy at the time of passing the act, and that such vacancy will exist during the recess of the Senate. If nothing further were necessary, than the existence of an office, and a vacancy therein, to entitle the President, constitutionally, to make the appointment in the recess of the Senate, this authority, by law, would be unnecessary.

Congress, then, and this Senate, as one branch of Congress, seem to have settled the question, and one may fairly say, the President also; for if, in his opinion, the power of appointment to vacant offices was vested in him by the constitution, he would hardly consent to receive that

power from Congress, especially as thus receiving it must be construed into an acknowledgment that he could derive no such power immediately from the constitution. The construction of an instrument made contemporaneously with, or shortly after, its formation, may be safely relied on for disclosing the intention of the framers, in the language they used.

It is well known that the first President of the United States was also President of the Convention that reported the constitution; and that two of the heads of departments, and many of the first Senate, had been distinguished members of the same convention.

It will be found, by a reference to the Executive Journals of the Senate during the Administration of President Washington, that at each session of the Senate, and shortly after their meeting, he sent messages on the subject of appointments during the recess, that left no doubt of his construction of the constitution in this particular—vol. 1, pp. 236, 389; vol. 2, pp. 9, 76. In addition to the conclusion to be drawn from these messages of President Washington, a fact is stated by Chief Justice Marshall, in his Life of Washington, which shows distinctly the construction of that great man on his constitutional powers, in a case analogous to the one under consideration; and that, notwithstanding the circumstances were urgent, he did not feel himself authorized to act in the recess of the Senate, in the case of a vacancy that did not happen in such recess.

Thus, sir, I have supported the construction of the constitution contained in the resolution now on your table, by the literal sense and meaning of the terms used in that instrument, by its obvious spirit and intent, by the judgment of the President, Senate, and House of Representatives, repeatedly, deliberately, and solemnly given, in their legislative acts, and by the uniform conduct of President Washington during his Administration.

To maintain the rights of this department of the Government, and thereby protect those of the States represented in this body, is not only the privilege, but a sacred duty of the Senate, with which, in my judgment, we are not at liberty either to compromise or equivocate.

To the end, then, sir, that we may arrest the progress of an evil, which subverts the organization of the Government, by depriving the Senate of their constitutional authorities, and vesting them in the President of the United States, I propose these resolutions, which contain the solemn protest of the Senate, and provide for its presentation to the Supreme Magistrate.

On motion, by Mr. BIBB, of Georgia, the further consideration of the resolutions was postponed to, and made the order of the day for, Wednesday next.

WEDNESDAY, March 9.

Bounty to Privateers.

Mr. GAILLARD, from the same committee, to

whom was referred the amendments of the House of Representatives to the bill, entitled "An act in addition to an act, entitled 'An act allowing a bounty to the owners, officers, and crews, of the private armed vessels of the United States,'" reported that the Senate concur therein.*

Naturalized Citizens.

The Senate resumed the consideration of the motion submitted on the 7th instant, which was amended; and, on motion by Mr. KING, the following amendment to the second resolution, was agreed to.

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, of the cases, with their circumstances in which any civilized nation has punished its native subjects taken in arms against her, and for which punishment retaliation has been inflicted by the nation in whose service they were taken.

Whereupon—

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show what has been the practice of Great Britain concerning her native subjects, naturalized in other countries, and taken in arms against her; also, what is the general practice of the nations of Europe, relative to the naturalization or employment in war between two nations of the native subjects of each other.

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, of the cases, with their circumstances, in which any civilized nation has punished its native subjects taken in arms against her, and for which punishment retaliation has been inflicted by the nation in whose service they were taken.

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show under what circumstances, and on what grounds, Great Britain has been

* The act as passed, That, in lieu of the bounty now allowed by law, the sum of one hundred dollars be paid to the owners, officers, and crews of the private armed vessels of the United States, commissioned as letters of marque, for each and every prisoner by them captured and delivered to an agent authorized to receive him in any port of the United States, or of a power at war with Great Britain, or delivered at any station within the dominions of the King of Great Britain, established for the exchange of prisoners of war, whereby such prisoner shall be actually placed, and allowed by the Government of the Kingdom of Great Britain and Ireland, in the account of prisoners to the credit of the United States. And the Secretary of the Treasury is hereby authorized and required to pay, or cause to be paid, to such owners, officers, and crews of private armed vessels commissioned as aforesaid, or their agents, the aforesaid sum for each prisoner captured and delivered as aforesaid.

SEC. 2. And be it further enacted, That, for the purposes aforesaid, the sum of two hundred thousand dollars, out of any money in the Treasury not otherwise appropriated, be and the same is hereby appropriated.

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in the practice of refusing to discharge native citizens of the United States impressed into her service.

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show what has been the conduct of Great Britain relative to American seamen on board her ships of war, at and since the commencement of the war with the United States.

THURSDAY, March 31.

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The Senate resumed the consideration of the motion submitted by Mr. GORE, as is stated on the 7th instant.

Mr. BIZZ, of Georgia, rose and addressed the Chair as follows:

Mr. President:—The propositions now before the Senate, whether viewed in reference to the constitutional grounds they assume, or to the circumstances which cause their introduction, present to my mind a most extraordinary aspect.

I shall endeavor to show, that if the principle laid down in the first resolution, from which the conclusions contained in the subsequent resolutions are deduced, were admitted, that the course of proceeding proposed is unauthorized by the constitution. And I shall endeavor to show that the President has done as he ought to have done; that he has conformed to the fair interpretation of the constitution, and to the uniform practice under it from the commencement of the Administration of General WASHINGTON to the period when commissions were granted to Albert Gallatin, John Q. Adams, and James A. Bayard.

Sir, we are called upon to annex by resolve a codicil to the constitution—to usurp the authority of determining what are the powers belonging to another independent department of the Government; and, having prescribed such limits as may be suitable to our own purposes, we are then to decide that that department in the discharge of its duties has disregarded the obligations of the instrument from which its powers are derived. What clause of the constitution, I ask, authorizes the Senate to expound its provisions for the President, or in this way to sit in judgment on his conduct? The constitution has defined the respective limits of the departments—their rights, duties, and responsibilities; and the conduct of neither can be restrained or condemned by the other, except in the mode expressly provided. On the present occasion, however, it is gravely proposed to assume a power not granted, and to violate a maxim the soundness of which is universally admitted—that no man shall be a judge in his own cause. A trespass on the rights of the Senate is asserted, and the Senate are called upon to decide the case. The Presi-

dent of the United States is to be adjudged guilty of a violation of the constitution which he has sworn to support; and that, too, without allowing him a privilege which is secured to every freeman—the privilege of being heard in his own defence. We are to become both accusers and judges. Yes, sir, the tribunal before whom the President is to be tried in case of an impeachment, are now to accuse—to prejudge—to condemn—to disqualify themselves as judges, if the House of Representatives should think it proper to impeach! Adopt the resolutions, and you will have done that which would disqualify a juror before any court, for sitting on the trial of an offender. I trust I shall not be told that the resolutions do not condemn the President—that they only express an opinion relative to the powers of the President. This would be quibbling in a manner and to an extent unworthy the dignity of this honorable body. You do propose solemnly to adjudge that he is guilty of a high offence—that he has violated the constitution and disregarded the rights of the Senate.

The constitutional control of the Senate over the Executive is particularly defined by the instrument; and unless the power of censure and condemnation now proposed to be exercised is among the powers enumerated, it does not exist. What are the controlling powers of the Senate? A negative on nominations to office and on treaties. The power of acquittal or condemnation in case of impeachment, and in none other, is also vested in this body. The power of accusing—of preparing articles of impeachment, is exclusively vested in the House of Representatives; and, considering the intimate connection between the powers of the Executive and of the Senate, without this check in the other branch, the President would cease to be the head of a co-ordinate department of the Government—he would become a mere instrument in the hands of the Senate. The constitution has wisely provided that the House of Representatives shall accuse before the Senate can condemn; and, sir, it is this barrier to the absolute dominion of the Senate we are now called upon to destroy. Assume the authority of prescribing the limits of the Executive powers—of accusation and condemnation, and in every view of which the case is susceptible, I pronounce that you are guilty of an act of usurpation unparalleled in the history of this Government. If you can suppose a corrupt Senate and President, and an act committed by the latter meriting impeachment, the Senate may decide, for the purpose of avoiding investigation, that he is innocent; and thus the House of Representatives are virtually precluded the exercise of their constitutional prerogative. It would be idle and absurd to impeach after the judges had decided on the guilt or innocence of the offender.

But, Mr. President, I will not dwell on this part of the subject. I will meet directly the resolutions, in the full persuasion that I shall

demonstrate the fallacy of the constitutional grounds they assume. Before, however, I proceed, permit me to remark that the arguments and precedents advanced by the gentleman from Massachusetts (Mr. GORE) were wholly intended to prove that the President has not power to fill vacant offices unless the vacancies happen during the recess of the Senate—a point, as I shall show, not at all involved in the present case. If, according to my view of the matter, the case now the subject of complaint, was one in which the vacancy did happen during the recess of the Senate, that point is excluded from the discussion.

Let us examine the resolutions—

"The President of the United States having by the constitution power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session,

"Resolved, That in the opinion of the Senate no vacancy can happen in any office not before full."

I will make no question concerning the application of the word "office," or "vacancy," to a foreign mission; because it is not necessary to my present purpose. Nor shall I advert to other provisions of the constitution which have been referred to; because, having no relation to the power of filling vacancies, they neither enlarge nor limit that power. The provision I have just read, is the only one which relates to the question before us; and it is from that provision alone that the Executive power of filling vacancies is derived. It delegates to the President *exclusively* the power to fill *all* vacancies which happen during the recess of the Senate; and it will not be denied that where a discretionary power is granted to do a particular act, in the happening of certain events, that the party to whom the power is delegated is necessarily constituted the judge whether the events have happened, and whether it is proper to exercise the authority with which he is clothed. The President, therefore, is the judge whether vacancies have happened during the recess of the Senate, and whether the public interest required that they should be filled. The commissions thus granted, however, expire at the end of the next session of the Senate thereafter. This is the only limitation imposed on the power, and in this consists the only control of the Senate. The assumption of any other control is unauthorized by any rule of construction—is unwarranted by the constitution. If the President abuse the power, appropriations may be withheld and the House of Representatives may impeach. These are the only checks, and they are amply sufficient, provided by the constitution; and none other can be exercised, without an act of usurpation. The true interpretation of this part of the constitution I take to be this:—that the Executive may fill all offices which from whatever causes happen to be vacant or unoccupied during the recess of the Senate, without regard to the precise period when they became so. The object unquestion-

ably was to avoid inconveniences which might result to the nation from essential offices being vacant; and certainly these inconveniences can neither be increased nor diminished by the fact, that the vacancy did or did not happen while the Senate were in session. But I will not take this ground on the present occasion. I will agree with the gentleman from Massachusetts, that the President is not authorized to fill vacancies unless they *happen* during the recess of the Senate; and still deny that the principle assumed in his resolution is deducible from the premises.

I deny that the word "vacancy," in its usual acceptation or in its application to office, implies a previous filling; and I call upon him to produce the authority of any writer who has given such an interpretation to the word. A vacant office is "an office unoccupied," "an office not filled." So soon as an office is created and as long as it exists, it is either vacant or it is full. If it be filled, it is not vacant—if it be not filled, it is vacant; and it is as manifestly vacant if it never has been filled as if the vacancy be created by the death of an incumbent. It is therefore obvious, that, supposing the President incompetent to fill any vacancy, except such as happens in the recess of the Senate, there can be no question concerning the manner in which the vacancy takes place. The only question is, when did it happen? I will state a case, and appeal to the candor of the gentleman for the answer. Suppose an act to be passed during the present session creating an office, and the act to take effect during the recess, if a defined contingency shall happen. The contingency happens, the act begins to operate and the office its existence, during the recess. Is the office from that moment vacant until it is filled? Has the vacancy happened during the recess of the Senate? Is it such a vacancy as may be filled by the President? Sir, there can be but one rational answer. The office commences its existence and the vacancy happens during the recess; and these circumstances constitute the precise case of vacancy which the President is authorized to fill. It is therefore manifest that the principle assumed, is wholly incorrect; and permit me to remark that the argument drawn from a Message of Gen. Washington concerning certain military appointments, and from the provisions of the tax laws passed during the last session of Congress, is altogether unavailing. What were the circumstances of the first case? A bill had passed for raising a military force, which became the law of the land from the moment of its passage, and while Congress was in session. Gen. Washington deemed it unnecessary to appoint all the officers immediately, and yet was apprehensive it might be necessary to fill the offices before the Senate would again convene. He so informed the Senate, and requested that he might be clothed with the authority to make the appointments during the recess. What was the ground of this request? The offices were

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created from the date of the act, and being vacant from the moment of their creation, the vacancy did not "happen during the recess of the Senate," and therefore could not be filled by him alone, without special authority from Congress. The offices created by the tax laws of the last session were in the same situation, and it being impracticable to select the officers during the session which was about to terminate, authority was given to the President to appoint in the recess. Why was this provision in both cases necessary? Not because the "offices had not been before full," but because the vacancies happened during the session, and not "during the recess of the Senate."

But, Mr. President, let us examine the particular case which is now made the subject of complaint. In March, 1813, "during the recess of the Senate," the Emperor of Russia offered his mediation for the procurement of peace between the United States and Great Britain. It was promptly accepted by the President, and Ministers were commissioned to meet such as might be appointed on the part of England. They proceeded on their peaceful errand to St. Petersburg, and their nominations were submitted to the Senate at their next meeting thereafter. Two of the mission were confirmed and one rejected. It is now proposed solemnly to protest against those appointments in the recess, "as an act not authorized by the constitution, and in the performance of which the power of the Senate has been wholly disregarded." Such is the history of the case. Sir, there are two descriptions of offices altogether different in their nature, authorized by the constitution—one to be created by law, and the other depending for their existence and continuance upon contingencies. Of the first kind, are judicial, revenue, and similar offices. Of the second, are Ambassadors, other public Ministers and Consuls. The first description organize the Government and give it efficacy. They form the internal system, and are susceptible of precise enumeration. When and how they are created, and when and how they become vacant, may always be ascertained with perfect precision. Not so with the second description. They depend for their original existence upon the law, but are the offspring of the state of our relations with foreign nations, and must necessarily be governed by distinct rules. As an independent power, the United States have relations with all other independent powers; and the management of those relations is vested in the Executive. The Ministerial trust confided to our foreign Ministers cannot be considered an "office" in the sense and to the extent which are applicable to internal offices or offices properly so called. But I will use the word in conformity to the resolutions, because I am unwilling to enlarge the limits of the present debate, and because it will enable me to express my ideas upon the subject before us, more intelligibly. I say, then, that whether the office of a Minister exists or does not—how and when it

exists, are questions not particularly and precisely settled by the constitution; but that the Executive authority to nominate to the Senate foreign Ministers and Consuls, and to fill vacancies happening during the recess, necessarily includes the power of determining those questions. According to my view of the subject, the office commenced with every independent power from the moment the United States became independent, and authorized the appointment of foreign Ministers; and it will continue to exist so long as we and they continue independent, unless destroyed by the termination of the relations which created it. The period at which it should be filled is left by the constitution to the discretion of the President. Until he chooses to nominate, there is no power vested in any department to control him, or to appoint. Whether and at what time the office in regard to any foreign nation should be filled, may and generally will depend on accidental circumstances. Hence Congress have always appropriated a gross sum for foreign intercourse, leaving the President to select the powers with whom we should be represented, unrestrained, except by the amount of the appropriation. As the office with reference to any foreign power, is created by, and dependent for its continuance upon the relations subsisting between that power and the United States, its existence and destruction must be contemporaneous with the existence and destruction of those relations. It dies and revives with them. It becomes extinct by war—its revival depends on contingencies, and when revived it is vacant, until it is filled. If the contingencies happen during the recess of the Senate, (of which the President is made sole judge by the provision of the constitution which has been quoted,) he is authorized to appoint. The declaration of war against Great Britain destroyed the office in that country, and its revival depended on subsequent events. If England had immediately thereafter, and during the recess of the Senate, proposed to treat by Ministers for peace, there can be no question that it would have been the constitutional right and the duty of the President to commission persons for that purpose. The mediation of Russia was proposed during the recess. The proposition created a new and necessarily vacant office, and it belonged to the President to determine whether the public interest required that he should fill it. I conclude, therefore, that in this case, the vacancy did "happen during the recess of the Senate," and that the President did not invade the rights of the Senate in the exercise of his constitutional and exclusive power to "fill up all vacancies which may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session."

Such, sir, is the fair interpretation of the constitution; and, in my opinion, the welfare of the nation required that this power should have been vested in the Executive. The power of making war is properly confided to Congress.

The power of making peace to the President, subject to the control of the Senate over treaties. If a treaty be formed, compromising the honor, or abandoning the rights of the nation, the Senate may reject it. But why we should now be called on to interfere in the first stages of negotiation for peace; to adopt a principle to preclude the Executive from seizing every proper occasion, during the recess of the Senate, of procuring an object which all parties profess to desire, is to my mind astonishing. The principle proposed is calculated to destroy that promptitude and unity of action which is always necessary in the management of our foreign intercourse, and which sometimes may be indispensable to the safety of the country. It must produce one of two effects—either to keep the Senate always in session, or to produce injurious delays inseparable from convening its members. The provision of the constitution annexed to the resolutions proves that the continual sitting of the Senate was neither contemplated nor intended; and the evil tendency of the latter effect might be illustrated by presenting numerous cases, which may and probably will happen. On the other hand, what possible injury can result from the construction for which I contend? None. The checks provided are abundantly sufficient. The commissions granted continue no longer than the end of the next session of the Senate, and in the mean time the Senate may reject the nominations. If a treaty be formed which they do not approve, they are competent to reject that also. Congress, moreover, may withhold appropriation, and put an end thereby to the mission; and, besides, if the power be abused, the President is liable to impeachment. Indeed, Mr. President, it does appear to me, that of all the powers delegated by the constitution, none are better guarded and restrained than that which authorizes the Executive to fill vacancies during the recess of the Senate. But the gentleman from Massachusetts insists that the construction for which I contend puts it in the power of the President to fill permanently all appointments in opposition to the will of the Senate. And how? An appointment is made in the recess, and the person nominated to the Senate at their next session. The nomination is rejected, and the President abstains from nominating another. The commission granted in the recess expires at the end of the session, and consequently the office would again become vacant in the recess, and a second commission might be issued. Thus, says the gentleman, the power of the Senate over appointments would be entirely wrested from them. Sir, this is an argument drawn from the possible abuse of power not admissible on general principles, and I have shown that sufficient checks are provided against such abuse. Besides, does not the gentleman perceive that this objection applies to the constitution, and not peculiarly to my construction. He admits that the President has the constitutional power to fill vacancies which happen during the recess

of the Senate, and it necessarily follows that the abuse to which he refers may as readily take place in one case as in another. The objection, then, is an objection not to my construction, but to the constitution itself; and the remedy is to be sought for, if indeed any remedy were wanting, in proposing an amendment according to the mode constitutionally prescribed. The second resolution is in the following words:

Resolved, That, in the opinion of the Senate, the office of Envoy Extraordinary and Minister Plenipotentiary, to negotiate and sign a treaty of peace with the United Kingdom of Great Britain and Ireland, had not been filled at any time after the declaration of war upon the 18th of June, 1812, and before the late recess of the Senate upon the 8d day of March last, when the same was not full."

If, sir, I have shown satisfactorily, as I think I have, that the President is authorized to fill up all vacancies which happen in the recess of the Senate, and that such vacancies may happen in offices not before full, it is unnecessary to discuss the proposition contained in this resolution. But I cannot avoid noticing an obvious absurdity which the resolution presents. It speaks of an office not having been filled at a period when the office was not in existence. I deny that "the office of Envoy Extraordinary and Minister Plenipotentiary to negotiate and sign a treaty of peace with the United Kingdom of Great Britain and Ireland," was in existence at any time after the declaration of war upon the 18th day of June 1812, and before the late recess of the Senate upon the 8d day of March last; and it surely behooved the gentleman to prove that such an office existed before he began his inquiry whether or not it had been filled. It is not now too late, and I invite him to the task. It cannot be done. As well might he undertake to prove that an effect may exist before the cause which produced it. The manifest fact is, that there could not have been an office of Minister to treat for peace, under the mediation of Russia, until the mediation was proposed, which was not until after the adjournment of Congress, on the 8d of March last, as is proved by the correspondence upon the subject lately laid before this body. As, therefore, the office did not exist "before the late recess of the Senate upon the 8d day of March last," it could not have been either vacant or full.

The third and fourth resolutions are in the following words:

Resolved, That the granting of commissions to Albert Gallatin, John Q. Adams, and James A. Bayard, to be Envoys Extraordinary and Ministers Plenipotentiary to negotiate and sign a treaty of peace with the United Kingdom of Great Britain and Ireland, during the late recess of the Senate, as in the President's Message to the Senate of the 29th of May last is stated to have been done, was not in the opinion of the Senate authorized by the constitution, inasmuch as a vacancy in that office did not happen during such recess of the Senate, and as the Senate had not advised and consented to their appointment:

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"Whereupon, *Resolved*, While the Senate venerate the authority and dignity of the office of President of the United States, and will, at all times, as a high and essential power in the constitution, exert themselves to maintain and preserve undiminished the whole Executive authority thereby established, they owe it to the trust confided to themselves, as well as to the States, their constituents, to protect the power over appointments to office which the constitution has placed in that body. From these considerations, joined to the conviction that the rights of the Senate have been infringed by an important act, to the validity of which the advice and consent of the Senate were essential, the Senate find themselves called upon by their duty to the States, and in support of the constitution, reluctantly to protest, and they do hereby solemnly protest against the commissioning as aforesaid of Albert Gallatin, John Q. Adams, and James A. Bayard, as an act not authorized by the constitution, and in the performance of which the power of the Senate has been disregarded."

The third resolution assumes that the vacancy in the office which was filled by the President did not happen during the recess of the Senate, and that therefore he was not authorized to fill it. Sir, I have shown that the office could not exist until the Russian mediation was proposed, and that it was proposed during the recess of the Senate. Until, therefore, the office was created, it could not be said to have been either full or vacant; but the moment it commenced its existence, it was necessarily full or vacant. It was vacant until filled by the President. The office itself, like that of all foreign missions, was the offspring of circumstances, and the happening of the vacancy was contemporaneous with the commencement of the office. They were both created by the occasion; the occasion occurred; the office began its existence; the vacancy happened during the recess of the Senate; and as the Executive is authorized "to fill up all vacancies which may happen during the recess," it was his constitutional right to fill this.

The remarks which I had the honor to submit in the commencement of my argument concerning the authority of the Senate in this way to sit in judgment on the conduct of the President, and the evil tendency of such a course of proceeding, are applicable to the fourth and last resolution. If I have succeeded in showing that the act of commissioning Albert Gallatin, John A. Adams, and James A. Bayard, was "authorized by the constitution," and that, "in the performance of which the power of the Senate has not been disregarded," the pledge which I gave to the Senate will be fully redeemed, when I shall have proved that the conduct of the President in this affair has conformed to the uniform practice under the constitution from the beginning of the administration of General Washington. Before I proceed, however, I beg leave to notice a circumstance on which the gentleman was disposed to dwell, because he thought it calculated to show that Mr. Madison had made an alarming innovation on the practice of former Presidents. Some

days ago the gentleman offered a resolution, which was adopted, calling for copies of commissions granted by General Washington to John Rutledge, as chief justice; to William Paca, as district judge, and to William Nelson, as marshal; and for copies of the commissions granted to our late Envoys to St. Petersburg. The Senate were not informed of the use intended to be made of them, until we were favored with the gentleman's speech; and it being then impracticable to call officially for other commissions without postponing the debate, I immediately addressed a note to the Secretary of State, requesting that I might be furnished with copies of certain commissions granted by General Washington in similar cases of foreign missions. I have received them, and will presently read and compare them with those lately granted. The difference between the commissions issued by General Washington to Messrs. Rutledge, Paca, and Nelson, and those granted to Messrs. Gallatin, Adams, and Bayard, is this, the former expressly limit their continuance to the end of the next session of the Senate thereafter, and the latter do not express such a limitation. Sir, whether the former had, or had not contained such a limitation, was wholly immaterial, because the constitution having imposed the limitation, the commissions would have expired as certainly without it as with it. The difference is in form, and not in substance; and considering the nature of a foreign mission, the idea of expressing on the face of a commission granted to a Minister, which he must show as the evidence of his authority as such, that it shall expire at the end of the next session of the Senate, is altogether absurd. I venture to assert that such a commission never was issued under this Government. If the gentleman had thought proper to call for commissions granted by the present Executive, during the recess of the Senate, to internal officers, he would have seen that they were, both in form and substance, similar to those granted by the first President; or, if he had called for commissions granted by General Washington in cases of foreign embassies, similar to the present, he would have found no limitation of their continuance. And I confess, Mr. President, this would have appeared to me the fair and obvious course of ascertaining whether any innovation had been practised. I will now read to the Senate commissions which were granted by General Washington and Mr. Adams, in cases of foreign missions, during the recess of the Senate. [Mr. B. here read several commissions, and by comparing them with those which were granted to Messrs. Gallatin, Adams, and Bayard, showed that they were in every respect alike. He then proceeded.] Permit me now, sir, to advert to the practice of the Government, from its commencement, concerning the construction of the provision of the constitution which is the subject of discussion. I hold in my hand a list of the appointments which have been made by the Executive, in the

recess of the Senate, since the adoption of the constitution, which I procured from the office of the Secretary of State. It furnishes incontestable evidence of the fact that each President has deemed himself authorized to institute and to fill foreign missions in the recess of the Senate, whenever, in his opinion, the interest of the United States required it. I will, at present, refer to one or two examples only, remarking, at the same time, that the examples are numerous, and that the list may be examined by any gentleman who desires it.

Soon after General Washington became President, and in the recess of the Senate, he authorized Gouverneur Morris, by a letter of instructions, to negotiate with England concerning the interchange of Ministers and the formation of a commercial treaty. I mention this fact to show that he thought himself competent alone to determine whether the United States should or should not be represented in England, and to negotiate concerning a treaty, without previously consulting the Senate. In June, 1792, John Paul Jones was commissioned to negotiate a treaty of peace with Algiers. The office was not before full, and was now filled for the first time during the recess of the Senate. Thomas Barclay was appointed Consul at Morocco, on the 31st March, 1791. This was an original appointment, and was now made during the recess of the Senate. These examples, without referring to others, are sufficient to show that the late commissioning of Albert Gallatin, John Q. Adams, and James A. Bayard, was sanctioned by the practice under Washington's administration. The same practice was pursued by Mr. Adams, of which the list before me presents many examples, but which I will abstain from reading, lest I should trespass on the patience of the Senate. During the administration of that distinguished statesman, Mr. Jefferson, we find the same construction given to the constitution; but presume his examples would not be deemed good authority by the mover of these most extraordinary and unprecedented resolutions.

Thus, I trust, the case is fully made out. 1st. That the resolutions themselves are unauthorized by the constitution; and 2nd. That the commissioning of Albert Gallatin, John Q. Adams, and James A. Bayard, was an act authorized by the constitution, and sanctioned by the practice of all Administrations. It appears, then, Mr. President, that we are called upon to protest against the conduct of the present Chief Magistrate, for exercising his legitimate constitutional powers, and for following the example of the first President of the United States. Sir, I have witnessed with pain and mortification the precepts and examples of the Father of his Country set at naught by those who profess to be his exclusive followers; but I do cherish the hope that they will not be condemned by an act of this honorable body. Why the examples to which I have referred should have received universal and uniform acquiescence, and

why, at this peculiar moment, it should be proposed to censure Mr. Madison for following those examples, I will not attempt to explain. For what was the act done, against which this protest is entered? To obtain peace. By whom is the proposition submitted? By a gentleman whom, personally, I respect—but, sir, by a gentleman belonging to a party *professing* to be the exclusive friends of peace. A party whose daily business is to clamor against the continuance of the war, and to present every possible impediment to its successful prosecution. I leave the comment to the American people.

The further consideration of the resolutions was postponed until to-morrow.

FRIDAY, April 1.

A message from the House of Representatives informed the Senate of the death of JOHN DAWSON, late a member of the House of Representatives from the State of Virginia; and that his remains will be interred this day at three o'clock.

Resolved unanimously, That the Senate will attend the funeral of JOHN DAWSON, late a member of the House of Representatives from the State of Virginia, this day at three o'clock, and, as a testimony of respect for the memory of the deceased, they will go into mourning, and wear a black crape round the left arm for thirty days.

SATURDAY, April 2.

Executive Appointments.

The Senate resumed the consideration of the motion submitted by Mr. GORE, as is stated on the 7th of March.

Mr. HORSEY, of Delaware, addressed the Chair as follows:

Mr. President: It is my misfortune to differ upon this occasion with the honorable mover of the resolutions; at the same time I beg leave to assure him that I am not insensible to the respect and deference which I owe to his opinion, and particularly to the precedents he has cited.

How it may be proper for one department of the Government to claim the right of interpreting the constitution for another co-ordinate department, by way of abstract resolution or otherwise, is a question which I submit to the consideration of the honorable mover. Is it a claim compatible with the great political maxim which requires that several departments of power ought to be separate, distinct, and independent of each other, so far as it regards the exercise of the powers devolved upon them?

The several departments of the Government derive their powers, not from each other, but from the same source of authority—the constitution. The one, I apprehend, cannot justly claim an exclusive superior right to settle the power of the other.

It is of the utmost importance that the constitutional balance of power should be main-

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tained, in order to preserve the equilibrium of the Government. The way to do this, is by a tenacious adherence to all those salutary checks which the constitution has wisely put into the hands of the several departments, in order that the one may defend itself against the encroachment of the other. This is the only mode by which the weaker branches can restrain the stronger within their constitutional limits.

The main check is the power of the negative. If both branches of the Legislature pass a bill violating, in his opinion, the rights of the Executive, he may interpose his qualified negative, and, if this does not shield him, he must yield to the constitutional majority of the Legislature. It would be presumptuous in him to claim the right to judge for them, after he had passed his negative, as it would be idle for him to express his opinion in the form of an empty protest. So, if the House of Representatives pass a bill infringing, in the opinion of the Senate, their rights, the Senate may interpose their absolute negative, and thereby defend themselves and the constitution. But could they do more? Could they take it upon themselves to censure the House of Representatives, when that branch is co-ordinate and wholly independent of this?

So too as it regards the general power of appointment. The wisdom of the constitution has placed this in the hands of the President and the Senate. It has given to the President the sole power of nomination—to the Senate simply the power of concurrence and of the negative. If, therefore, the President submits a nomination which in the opinion of the Senate, is improper or unconstitutional, the Senate through their controlling power of the negative may reject the nomination. But can they do more? Has not the President the right to determine for himself with regard to the expediency and constitutionality of the nomination, as the Senate undoubtedly have to decide for themselves, when the nomination is submitted for their advice and consent?

While the constitution has given to the President and the Senate the general power of appointment, it has also given to the President alone a qualified and modified power of appointment, during the recess of the Senate. At the same time, however, it has placed this power under the strictest guards or checks. First, it can only be exercised in the recess of the Senate; secondly, the commission creating the appointment shall expire at the end of the next session of the Senate. These are the checks which the constitution has placed over this power. If it be abused, the President alone is responsible. It is a power complete in itself, and that belongs solely and exclusively to the Executive. To be sure, if the Executive afterwards submit the appointment to the Senate, as he must do, if it is to continue beyond their session, it is in the nature of a new appointment, and the Senate may reject or affirm it. But as it regards the intermediate act of appointment, it is perfect in itself for the limited

time, and, in my humble conception, the Senate have no more right to interfere with regard to it than they have to interfere with the House of Representatives in the choice of their Speaker and other officers; no more right than they have to advise and control the Executive in the exercise of his undoubted powers to grant reprieves and pardons, to receive foreign Ministers, or to use his qualified veto.

As it relates to appointments connected with the treaty-making power, the Senate have, it must be admitted, a remote or indirect controlling power over the power to make temporary appointments, upon the ratification of a treaty. And this may be considered a third, though not perfect, yet important check over the qualified power of appointment.

Thus, sir, it appears to me, so far as respects the exercise of the qualified power of appointment, lodged by the constitution with the Executive, that the Senate have no right to meddle with it. It is not subject to their control, but to the control only of the three important checks to which I have adverted, and to that responsibility which the President owes to the power of impeachment and to his country. As to the general power of appointment, the salutary control of the Senate, through their absolute power to negative, is effectual—it is perfect. Not empty and unavailing as are the resolutions in questions; which if adopted we have no power to enforce; which in their nature are not susceptible of any beneficial or practical result. Send them to the President; he reads them, and is of the same opinion still. And can these resolutions constrain him to alter his opinion? After the maturest deliberation he adheres to his opinion, and sits down and writes a counter protest in support of it. Then, sir, we shall have protest against protest, and the whole amount of the matter will be, that a question is raised between one department and another co-ordinate department of the Government, to decide which no competent tribunal exists.

If there be any force in these preliminary remarks, the propriety of the course taken by the honorable mover may, to say the least, be doubted. If doubtful, ought a measure so extraordinary to be adopted? A measure, acknowledged to be without precedent. To justify one department, if it can be justified at all, to pass a vote implying censure upon the conduct of another department, the case ought to be clear, the conduct gross. Not a point about which intelligent men may fairly entertain opposite opinions. Where the construction, even if wrong, may have been nothing worse than an error of judgment; an error into which the party may have been led by a practical interpretation of the constitution for more than sixteen years, if not from the commencement of the Government.

The honorable mover, sir, has touched upon delicate ground. The relations subsisting between the President and the Senate are near and highly important. We ought to do nothing

calculated to endanger that harmony and dignity which should always characterize this body in their intercourse with the Executive.

In this the public as well as ourselves have an interest. The utmost delicacy and deference I should hope would always be observed towards each other, consistently with a fixed and firm purpose to maintain all the rights and powers belonging to great and independent branches of the Government.

Mr. President, I have said, if the point were doubtful, even if the President were in the wrong, it is to my mind very questionable whether we ought to pass the resolutions. But I humbly think the question is not doubtful. I believe, verily believe, that the President has given the just and true, and at the same time the most fit and practicable construction to the constitution. This, to my mind, is susceptible of the clearest and most conclusive demonstration.

An instrument drawn with so much brevity and in such general terms as the Constitution of the United States, could not specify every power which might be necessary and indispensable to a due and practical administration of the Government. Indeed, to have made such specifications, would have required attributes with which it has not been the pleasure of the Deity to endow imperfect man. The Government, therefore, and the several departments, in the execution of their powers, of necessity resort in many instances to the doctrine of construction. Hence the powers of the Government are either specified or constructive. The power of the President to displace from office is not a specified, but a constructive power—a power of greater magnitude and much more doubtful construction than the one in question. The power of the Congress to establish a National Bank, is not an express but a constructive power. The power of the Executive to recall or supersede at pleasure a public Minister, without consulting the Senate, though but just appointed by their advice and consent, is also a very extraordinary power. The power of the President to issue instructions to all public Ministers, to direct the time, the place, the manner, and the temper of the negotiation—to continue or break it off—are all constructive powers, involving the relations of peace and war. The powers of the President to dismiss a foreign Minister—to acknowledge the Government and independence of a foreign nation—are powers of the greatest magnitude, involving the best interests of society, and yet mere constructive powers. It is, therefore, sir, apparent that the constitution is an instrument which in practice does not admit of that strict and literal interpretation which the honorable mover contends for. You cannot give it life or effect if you interpret it, like a penal statute, according to the dead letter. Indeed, there are parts of the constitution which will not bear a literal construction. Take, for instance, article 4, section 1—“Full faith and credit shall be given in each

State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved and the effect thereof.” Congress has undertaken to prescribe the manner in which such acts, records, and proceedings shall be proved, but they have not undertaken, and probably never will undertake, to prescribe the effect they are to have. What is the true import of the words “full faith and credit,” is a question that has puzzled the bar and the bench, and about which a contrariety of opinion exists among the learned in the law. But the word “effect,” take it literally and it conveys a most extraordinary power to Congress. A power which would swallow up the State sovereignties. An act of the Legislature of any one State is a public act, and by this section Congress has the power, by a general law, to declare what effect such an act shall have in another State. The Legislature of Virginia, for instance, pass an act limiting the rights of suffrage to freeholders; take this section literally, and Congress may declare that such act shall have the same effect in Pennsylvania or Massachusetts as it has in Virginia, and *vice versa*. An effect which I am sure would not be very kindly received either in Pennsylvania, or Massachusetts.

To give a liberal and beneficial construction to the constitution has ever been a favorite doctrine with me, especially in relation to the powers of the Executive, which in ordinary times is the feeblest branch of the Government. The common rules of equitable construction applicable to statutes and other instruments, apply with greater force to the Constitution of the United States, because it is more general in its terms and less specific in its provisions. I hold it, therefore sir, that we ought so to construe the constitution as will best answer the intention which the makers had in view. That whatever is within the intent or equity of the constitution, is within the constitution, although it be not within the strict letter. And *e contra*, whatever may be within the letter, if it be not within the intent and spirit, is not within the constitution. These rules are founded upon the imperfection of the human mind, which cannot foresee and set down every case in express terms; upon the laws of nature and reason; upon the experience of man; and apply in all cases, except only where there is a manifest technical positive rule of law to the contrary.

I now, Mr. President, approach the main question. It arises under the second section of the second article of the constitution.

“The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not

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herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

"The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session."

It is manifest, from the first cited clause of this section, that the President and the Senate possess conjointly the general power of appointment. It is equally manifest, from the second cited clause of the section, that the President alone possesses a modified power of appointment.

The main question then is, had the President an authority, under the modified power, to issue the commissions, during the recess of the Senate, to the Ministers named in the resolutions, to continue in force to the end of the next session of the Senate and no longer.

First. Is the authority within the letter of the constitution?

Second. Is it within the intent and policy of the constitution?

I beg gentlemen to remember that it has been the wisdom of most Governments to intrust the management of their foreign affairs to the head or chief. That, under this Government, the President, as the supreme executive officer, is charged with this subject. That a Minister is no more than an agent through whom these concerns are managed. That, to manage them with success and advantage, secrecy and immediate despatch are oftentimes necessary, in negotiations particularly.

The office then of a public Minister is the medium through which the Executive is enabled to manage our foreign relations, and particularly to conduct negotiations. It is an office wholly different from the ordinary offices created by the constitution or by law. It is an office without limitation as to number, or duration of tenure, with regard to which neither the constitution nor laws have prescribed the duties. It is without limitation as to number, because the nature of the office renders it necessary that the number should depend upon the emergencies of the Government; upon the particular state of your foreign affairs; upon the number of the foreign nations with whom you have intercourse, either political or commercial. It is an office without limitation of tenure, because no one can tell how long it may be necessary to continue it. A negotiation may last a week, or it may last six months. Your intercourse with any foreign power may be interrupted in various ways, by a misunderstanding or by a sudden rupture. It is an office to which neither the constitution nor laws have prescribed the duties, because the duties must necessarily depend upon the course of events and the particular state of our foreign relations. The duties are left with the discretion of the Executive. In short, it is an office not created

by the constitution, nor by any municipal law, but emanates from the laws of nations, and is common to all civilized Governments. The Minister is subject to these laws, and he is under the protection of these laws. The constitution barely directs the modes in which the Minister shall be appointed. But when appointed, when he shall depart, how long he shall continue, what duties he is to perform, the nature of his instructions, in short, every thing that is vital, depends solely upon the Executive and the laws of nations.

It is an office, if it may be so called, *sui generis*. The number may be multiplied to any extent, or diminished. It is brought forth with the occasion, and disappears when the occasion ceases. When not filled, if it exists at all, it is only in contemplation. Where is the office which you, Mr. Vice President, and your associates filled, when Envoys Extraordinary and Ministers Plenipotentiary to the French Republic? Can the honorable mover lay his hand upon it, or can the powers of man reproduce it? In short, where are all the offices which our Ministers respectively have filled at the Court of London, anterior to the declaration of war? They have merged and can never again be called into action. When the relations of peace shall be restored, we shall have new appointments and new offices.

The office of a public Minister, therefore, depends upon events, upon the state of foreign affairs, and is authorized by the laws of nations. Any Government may use it, which recognizes these laws, and none can which does not. For it is an office which requires the assent of foreign powers, and depends upon the common laws of nations for protection.

Upon the whole, it is an office not durable and permanent, as are the ordinary offices established by the constitution and by law—but ephemeral, existing no longer than the occasion which gave birth to it, and dependent upon the transitions of time and events. The office in truth attaches whenever the occasion arises to use it, and the act of appointment is the consummation of the law.

If therefore the occasion arises whilst the Senate are in session, the office must be consummated by the concurrent act of the President and the Senate. If it arises during the recess of the Senate, it may be consummated by the act of the President alone, subject however to expire at the end of the next session of the Senate.

If this view be correct, and the occasion for the office happens during the recess of the Senate, then the office attaches during the recess, and of consequence the vacancy happens during the recess, which would bring the power of the President to fill it up strictly within the letter of the constitution.

To apply the argument to the case before us: On the 8th of March, 1813, in the recess of the Senate, M. Daschkoff, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the

Emperor of Russia, by letter addressed to the Secretary of State, communicates to the President, officially, the disposition of His Majesty the Emperor to offer his mediation to His Majesty the King of Great Britain and the United States of America, and at the same time declares that he, M. Daschkoff, is charged to propose it to the President of the United States. On the 11th of the same month, the Secretary of State writes to M. Daschkoff, informing him that the President willingly accepts the offered mediation, to promote peace between the United States and Great Britain, and, further, that such arrangements would be made, without delay, as would afford His Imperial Majesty the opportunity he invited, to interpose his good offices for the accomplishment of so important an event. This then is the occasion for instituting the mission to Russia. It happened in the recess of the Senate. The office then attached, and with it the vacancy, which was filled and the office perfected by issuing the commissions which must have expired with this session of the Senate. As the office and the vacancy happened during the recess, necessarily the office could not have been before full, as the first resolution would seem to require, as a pre-requisite to a vacancy happening.

Whether the letter of M. Daschkoff, of the 8th of March, conveyed the first official information to the President of the offered mediation—whether there was any preconcert to delay the official letter till the Senate had closed their session—whether it was expedient or inexpedient to accept the proposed mediation—whether it comported with the honor and character of this Government to appoint and despatch the Commissioners, upon the mere presumption that Great Britain would accept the mediation, and also appoint commissioners to meet ours, are questions not involved in this discussion. If they were, they are questions which rather concern the abuses, than the rights of power.

I am aware, sir, that the ground which I have discussed, is not without its difficulties. To bring the case within the dead letter, is a task of no very easy performance. But, in my view, all difficulties and doubts vanish before the second ground, which I am about to enter upon, and upon which I principally found my opinion.

The primary objects of the constitution are, the public peace and general welfare. Whatever interpretation may be calculated to insure the one and promote the other, ought in my humble judgment to be given, provided it be within the rules of a liberal and equitable construction. Provided it be within the intent and policy of the constitution.

What, sir, is the intent and policy of the constitution upon this subject? The general power of appointments is given to the President and the Senate. But from the peculiar constitution of the Senate, a body composed of members coming from every State in the Union however

distant, a body not permanently in session, but out of session in common times eight months in the year, the framers of the constitution at once saw, that the power, as a general power of appointment, was defective. Hence it became necessary to provide a modified power to remedy this defect, and to represent the general power, when the general power was not in a condition to act. This was indispensable, or else the mischiefs and embarrassments resulting to the Government and the public must have been intolerable. The modified power was therefore intended as a substitute for the general power, when the general power was not in session, and unable to perform its functions. In constituting this modified power, however, the convention was extremely guarded by placing over it the important checks to which I have before adverted, namely; first, that it shall be exercised only when the general power is not in session: secondly, that the commissions issued by it shall endure no longer than necessary to give the general power an opportunity to act upon them. All I contend for is, that we ought not so to restrict the modified power as to defeat the remedy or render it short of its object; that the modified power ought to be able so to act, as to supply the defect of the general power, and that whatever authority is necessary fairly to this purpose is within the intent and equity, if not the letter of the constitution. A case, not within the letter of a statute, is sometimes holden to be within the meaning, because it is within the mischief for which the remedy is provided. It is an established rule of law that such a construction ought to be put upon a remedial statute, as will tend to suppress the mischief intended to be remedied.

Let us now test the construction contended for by the honorable mover, by these rules and principles. Let us see if, according to his construction, the remedy is calculated to suppress the mischief. Illustrations to show its inadequacy are innumerable.

Take the case of the ordinary offices established by the constitution and by law. Suppose any one of them to become vacant by death during the session of the Senate, and that no account of the death reaches the President before the Senate close their session. Here the vacancy does not happen during the recess, but during the session. Suppose the Collector of the port of New Orleans to die on this day, and that the intelligence of his death does not reach this place before we adjourn. In this case the vacancy surely does not happen in the recess. What is to be done? The Collector is an officer whose services are necessary to the daily operations of the Government. Are the Senate to be convened? Well. The Senate are convened from all parts of this extended empire, at great expense to the nation and personal inconvenience to the members. To do what? To appoint a Collector! Well. The Collector is appointed and the Senate are adjourned; but,

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before many of the members get to their distant homes, it is announced that the District Judge in the State of Vermont is dead, and that he died while the Senate were in session appointing the Collector for New Orleans. Sir, where is this expense and perplexity to end?

Mr. President, if these ordinary occasions illustrate the incompetency of the remedy, and the honorable mover would restrict it, the extraordinary offices of public Ministers still more forcibly and irresistibly illustrate it.

In the management of the foreign affairs of a great commercial nation, having intercourse with all the commercial powers of the earth, in order to keep up this intercourse to advantage, and to preserve the relations of peace and friendship, many agents, diplomatic and consular, are necessary. In the appointment of these the utmost secrecy and despatch are oftentimes of vital importance.

In seasons of war every thing may depend on time. The event of a single battle may present a happy moment for negotiation. Great and sudden changes are perpetually taking place in the affairs of nations. A sudden war may break out between one nation and another, between a foreign power and the United States; and will the honorable mover have it that there is no power in this Government competent to act with all the secrecy and promptitude which such an emergency might require?

Sometimes it may so happen that the time for instituting a negotiation may not depend on ourselves, but on other powers. Suppose a General Congress, to treat of a general peace, be agreed upon, and the United States are invited to join. The delay incident to the invitation would be long enough, but if the preparatory steps are to be retarded until the Senate could be called, it is more than probable that the other powers concerned would not have the patience to wait for us. Indeed, their views and situation might not admit of it.

Take the doctrine of the honorable mover, and if a decisive battle be fought in Canada, resulting in our favor, and the enemy offer peace on our own terms, there is no power to appoint a commissioner even to conclude the preliminary articles, without a delay of at least two months, if the Senate happen not to be in session! In the mean time the enemy may be reinforced, or other changes happen, and the advantageous moment to end the war be lost, perhaps, forever.

If the late despatch from Lord Castlereagh had arrived in the recess of the Senate, as it well might have done, was the President to wait till the Senate could be convened, without taking even a preparatory step? Must the war be waged two months longer, and must the enemy wait our own time?

Suppose England had in good faith accepted the offered mediation of Russia, and that the acceptance had been announced with the offer to us, were we to wait until the Senate could

be got together? Were two precious months to be lost?

If your citizens are in captivity in Algiers—if your seamen are unjustly and cruelly confined in a foreign port, and the intelligence happen to arrive during the recess, the President has not even the power to appoint even a Consul to go to their immediate relief!

Surrounded as we are with Indian tribes, if a war suddenly break out, in the recess of the Senate, there is no power to send a commissioner to make explanations or to treat with the hostile tribe—nor to make friends with the neighboring tribes, but we must wait until the Senate are summoned; and in the mean time those we might have gained over to us are by the delay turned against us.

Sir, the construction contended for by the honorable mover, is fraught with mischievous consequences, with evils and embarrassments incalculable. There is a passage in one of the numbers of the *Federalist* (by Mr. Hamilton) so applicable to this subject, that I will, with the permission of the Senate, trouble them while I read it—

“It seldom happens in the negotiations of treaties, of whatever nature, but that perfect secrecy and immediate despatch are sometimes requisite. They who have turned their attention to the affairs of men, must have perceived that there are tides in them. Tides very irregular in their duration, strength, and direction, and seldom found to run twice exactly in the same manner or measure. To discern and profit by these tides in national affairs, is the business of those who preside over them; and they who have had much experience on this head inform us that there frequently are occasions when days, nay, when even hours are precious. The loss of a battle, the death of a Prince, the removal of a Minister, or other circumstances intervening to change the present posture and aspect of affairs, may turn the most favorable tide into a course opposite to our wishes. As in the field, so in the cabinet, there are moments to be seized as they pass, and they who preside in either should be left in capacity to improve them. So often and so essentially have we heretofore suffered from the want of secrecy and despatch, that the constitution would have been inexcusably defective, if no attention had been paid to those objects. Those matters which in negotiations usually require the most secrecy and the most despatch, are those preparatory and auxiliary measures which are not otherwise important, in a national view, than as they tend to facilitate the attainment of the objects of the negotiation.”

I contend for no more than, that the President, in the absence of the Senate, should possess the power to adopt those preparatory and auxiliary measures, without which, to use the language of the accomplished statesman just quoted, the constitution would have been inexcusably defective. The mere appointment of an Ambassador or Minister is but a preparatory and auxiliary step towards negotiation. The material and most essential part is the treaty. It is this which is the most important in a na-

tional view. This cannot be finally ratified and confirmed, without the advice and consent of the Senate, and that too with the concurrence of two-thirds of the members present. If the Senate are not in session when the treaty is concluded, they must be convened; and in most instances the President, who is always advised of the progress and probable issue of the negotiation, may so manage as to call the Senate and have them in session at or about the time the treaty arrives. At any rate, after a treaty is signed, a reasonable time is always allowed for its ratification and exchange, and in fixing this time regard would always be paid to the distance and nature of ratifying powers.

It appears to me, then, that the construction for which I contend, to continue the language of the same author just quoted, gives to negotiations every advantage which can be derived from talents, integrity, and a deliberate investigation on the one hand, and from secrecy and despatch on the other. It is a construction founded in fitness and convenience, and supported by contemporaneous interpretation.

It has been the practical construction of the constitution from the earliest stages of the Government, and upon experience was found to be essential to its due administration. It commenced with General Washington, was continued by Mr. Adams, and became much more prevalent with Mr. Jefferson, as appears by the numerous cases to be found in the Department of State, and upon the Executive Journal of the Senate.

The honorable mover has cited the case of Mr. Monroe while Minister at the French Republic, from the Life of Washington by Marshall. The conduct of Mr. Monroe had not been satisfactory to General Washington; at the same time he did not wish to recall him, but rather preferred sending another minister to be associated with him. The difficulty was, inasmuch as Mr. Monroe was in the office, there could be no vacancy, so as to authorize the President to fill it up during the recess of the Senate. This seems to have been the opinion of General Washington, and therefore, to obviate the difficulty and create the vacancy, Mr. Monroe was recalled and a successor appointed in the recess. The case therefore does not apply.

As to the form of the commissions which issued to the commissioners named in the resolution, I do not attach so much importance as the honorable mover has done. The objection is, that these commissions were not limited to expire at the end of the next session of the Senate, but are general and without limitation. And the honorable mover has read some commissions issued by General Washington, to show that he had always introduced the limitation.

But it seems that the honorable mover was mistaken; for, upon a more particular search, commissions are found wherein General Washington has omitted the limitation.

But what to my mind is a conclusive answer

to this objection is, that there is no form prescribed by the constitution or law, in which commissions are to issue, and therefore the form depends upon the pleasure of the Executive, who alone is authorized to issue them.

Can the addition or omission of the limitation vary the nature of the commission? If a commission issue to A, appointing him Chief Justice of the United States, is it material to say, to hold the same during good behavior, or that A is invested with all the powers and entitled to all the emoluments of right belonging to a Chief Justice of the United States? I apprehend not.

I am aware, sir, that commissions usually issue in some such form, but the greater part is empty verbiage. Does the judge derive the tenure of his office from the commission? No. But from the constitution. Does he derive his powers and emoluments from the commission? Surely not. But from the constitution and the laws. He derives nothing from the commission but the mere appointment, which can be made as well in three lines as thirty.

So if a commission issue in the recess of the Senate, whether it express the limitation or not, it necessarily expires at the time limited by the constitution; for it is the constitution, not the commission, that is operative as to the limitation.

Mr. President, it appears to me that most of the arguments of the honorable mover proceed from the abuse, rather than a just and proper exercise of the power. These are arguments which prove too much, and, if admitted, would go to take away from the Government all power. An argument against the abuse of a thing is no argument against the use of it. If such arguments are admitted, there is no power, no institution, however sacred, which may not be assailed. Religion, the altar itself, would not be exempt. For we know that they afford masks for hypocrites and impostors.

You have already, sir, given a construction to the constitution, conferring upon the Executive a power infinitely more liable to abuse than the one in question, and a construction, too, give me leave to say, vastly more doubtful than that for which I contend. I refer, sir, to that power by which the President undertakes to remove an officer, at his pleasure, without consulting the Senate. This we know was not Mr. Hamilton's understanding of the constitution; and we believe that such a construction would never have been put upon the constitution, but for the unlimited confidence in General Washington. This construction has opened the door to an abuse which if practised, would virtually destroy the controlling power of the Senate over appointments. The President nominates A, Minister to the Court of St. Petersburg, to-day, and the nomination is approved by the Senate. The Senate will close their session in a few days. The President then supercedes A, and, it being in the recess, appoints B, his particular favorite, but who would not have

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passed the Senate. B.'s commission is good to the end of the next session of the Senate. Just before the end of the next session the President nominates C, who is approved by the Senate, but, as soon as the Senate have adjourned, he supersedes C, and renews the commission to B. Thus, by an abuse of this power to supersede or remove, the President may virtually deprive the Senate of their undoubted right to participate in the general power of appointment.

Sir, what is the power for which I contend compared to this power? A power of all others the most susceptible of abuse; and when abused, a most cruel engine of proscription and oppression. What is it, compared to the power to recall your foreign ministers at pleasure; to receive all foreign ministers; to dismiss foreign ministers; to acknowledge the sovereignty and independence of foreign Governments; to instruct your own ministers;—what is it, compared to the power to reject a treaty?

These are all powers which the President confessedly possesses. Powers involving the relations of peace and war, and every interest which depends upon foreign connection and intercourse. Powers compared to which the one in question sinks into utter insignificance.

And does it follow that the President ought not to have these extraordinary powers, because, in the hands of wicked and unprincipled men, they may be abused? Does it follow, because the President may rashly reject an honorable and advantageous treaty, and thereby involve the nation in restrictions and war, that therefore the President ought to have no concern in the treaty-making power? Does it follow, because a President may petulantly dismiss a foreign minister, and thereby break off an important negotiation, that therefore he ought not to be intrusted with such a power? If he will not receive a foreign minister, and acknowledge a foreign Government, in every case where the public interest requires it, does it follow that he ought not to have the power to do so at all? What is the power for which I contend? A mere power to make temporary appointments when the general power is not in capacity to act. This is denied. But, when the agent is once appointed, it is admitted that when he is to act, how he is to act, what he is to do, his instructions, his correspondence—all depend upon the Executive pleasure. In short, when the agent is once constituted, you surrender him up to the President, with every thing else that is vital on the subject of negotiation or foreign intercourse.

Before I conclude, Mr. President, permit me to remark, that the constitution has wisely divided the powers of the Government among the several departments, taking care to adapt each department to the powers assigned it; that it is highly important that every department should maintain its powers free from encroachment, and unimpaired.

While, therefore, it is the duty of the Senate to defend their rights and powers, let the Sen-

ate take care that they do not encroach upon the rights and powers of the Executive. Let it be remembered that the Executive is constitutionally the feeblest branch of the Government. I speak not, sir, in reference to the present disordered state of the body politic, when even Congress seem to have forgotten themselves, and surrendered their powers (and even more) into the hands of the President—when they have made him almost as absolute as a dictator. But, I speak of those rights and powers which legitimately belong to him, according to the great principle of the constitution.

The Senate, as an integral branch of the Government, are more permanent and independent. The individual members are chosen for a longer term. If the President abuses his powers in a manner amounting to a misdemeanor, he is liable to impeachment, and this body constitutes the High Court which is to try him, and, if convicted, which is to remove him from office. When, on the other hand, the Senate are permanent and independent, as an integral body, they are answerable to no power on earth, but a revolutionary power.

In ordinary times, therefore, the danger is, that the Senate will encroach upon the Executive, and not the Executive upon the Senate; that the stronger will trench upon the weaker, and not the weaker upon the stronger power.

Mr. President, I would be the last man upon this floor, knowingly to surrender any one power which the constitution has deposited here. I am too deeply impressed with the importance of this branch of the Government. I believe it to be the sheet anchor of the constitution and the bulwark of our liberties. It is this nation's best and last hope. When the other ramparts of the constitution shall have been broken down, here will be made the last stand against the assaults of party spirit and the storms of faction.

SATURDAY, April 9.

JESSE WHARTON, appointed a Senator by the Executive of the State of Tennessee, in place of George W. Campbell, resigned, produced his credentials, was qualified, and took his seat in the Senate.

SATURDAY, April 16.

Retaliation.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of State, complying with their resolutions of the 2d of February and 9th of March.

JAMES MADISON.

APRIL 16, 1814.

The following is the report:

The Secretary of State, to whom was referred several resolutions of the Senate of the 2d of February

and 9th of March last, has the honor to submit to the President the following report :

Although these resolutions are of different dates, and refer to subjects in some respects distinct in their nature, yet, as they are connected in others of considerable importance, which bear essentially on the conduct of the parties in the present war, it is thought proper to comprise them in the same report.

The first of those resolutions calls for the names of the individuals who were selected from the American prisoners of war and sent to Great Britain for trial; their places of residence in the United States; the times when and the courts by which they were admitted to become citizens; the regiments to which they belong; when and where they were taken; with copies of any official correspondence respecting the treatment of the prisoners of war, and of any orders for retaliation on either side.

The other resolutions request information of the conduct of Great Britain towards her native subjects, taken in arms against her, and of the general practice of the nations of Europe relative to naturalization, and the employment in war, each, of the subjects of the other; of the cases, with their circumstances, in which any civilized nation has punished its native subjects taken in arms against it, for which punishment retaliation was inflicted by the nation in whose service they were taken. And, lastly, under what circumstances and on what grounds Great Britain has refused to discharge native citizens of the United States impressed into her service; and what has been her conduct towards American seamen on board her ships of war, at and since the commencement of the present war with the United States.

The paper marked A contains the names of the American prisoners who were sent to England for trial by the British commander in Canada; of the corps to which they belong; of the times when and of the places where they were taken. Of their places of residence in the United States; of the times and the courts in which they were admitted to become citizens, there is no evidence in this Department, nor is there any to show whether they were naturalized or native citizens of the United States. This paper contains also a copy of the orders of both Governments for retaliation, and of the correspondence between their respective Commissioners concerning the treatment of prisoners.

The paper marked B states various grounds on which the British Government has refused to deliver up American seamen impressed into the British service, on the application of the agents of the United States, regularly authorized to demand them, with the correspondence relating to the same. It communicates, also, such information as this department has been able to obtain of the conduct of the British Government towards American seamen on board British ships of war, at and since the commencement of the present war. Among the causes assigned for their detention, the following are the most deserving of notice :

1. That they had no documents, or that their documents were irregular.
2. That they were released from prison in Gottenburg.
3. That they were exchanged as British subjects.
4. Were said to be impostors.
5. To have married in England.
6. Did not answer the descriptions given of them in their protections.

7. Had attempted to desert.

8. Were sent into the service for smuggling.

9. Were not to be found on board of the ship stated.

10. Had voluntarily entered into the British service.

11. Were natives of foreign countries—Prussia, Sweden, Italy, &c.

It is probable that some of the seamen, whose discharges were demanded, may not have been native citizens of the United States, but very presumable that the greater part were. Indeed, the pretext assigned for their detention seems to admit it. Had they been native subjects of England, being there, their origin might have been traced. But that is the ground in few instances only. In urging that some had no protections, or that their protections were irregular; that others had been exchanged as British prisoners; were impostors; had attempted to desert; did not answer the protections given them; were natives of Prussia, Sweden, &c., it is fairly to be inferred that the public authority in England, to whom this duty is assigned, sought rather to evade the application than to justify the refusal. The pretext that some were natives of Prussia, Sweden, &c., deserves particular attention. On this circumstance the Secretary will remark only, that, in extending impressment in American vessels to persons who could not be mistaken for British subjects, and refusing to surrender them, on application, to the voluntary service from which they were taken, it is evident that the recovery of British seamen has not been the sole object of the practice.

By the report of the American Commissary of prisoners in England, it appears that a considerable number of our seamen had been transferred from British ships of war to prisons; that their exchange for British seamen taken in battle was demanded, in the first instance, but that that claim seems to have been since waived. It might have been expected that the British Government, on being satisfied that these men, or that any of them, were American citizens, would have liberated and sent them home at its own charge. They are, however, still held prisoners in confinement. That many of them, if not all, are native citizens, cannot be doubted, for had the proof not been irresistible, it cannot be presumed, while so many others are detained on board British ships of war, that these would have been exempted from that service. That many are still detained on board British ships of war may be fairly inferred, even without other evidence, from the indiscriminate manner of British impressment; from the distant service in which the men thus impressed are often necessarily employed, depriving their friends of an opportunity to communicate with them; and from the inconsiderable number discharged compared with that which has been demanded. Without relying altogether on the reports heretofore made to Congress by this Department, the letter of Commodore Rodgers, herewith annexed, affords data from which an estimate may be formed. On this point, the correspondence between General Taylor and the Captain of the British ship the Dragon, and Commodore Decatur and the commander, Capel, deserve also particular attention. If the British Government would order a strict search to be made, through the British navy, for American seamen, it would then be seen how many of our native citizens have partici-

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Retirement of the Vice President.

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pated in the lot of the unfortunate men mentioned in the correspondence referred to.

The contrast which these documents present, in the pretensions and conduct of the United States, cannot fail to make a deep impression in favor of the latter. The British Government impresses into its Navy native citizens of the United States, and compels them to serve in it, and, in many instances, even to fight against their country, while it arrests as traitors and menaces with death persons suspected to be native British subjects, for having fought under our standard against British forces, although they had voluntarily entered into our Army after having emigrated to the United States and incorporated themselves into the American society. The United States, on the other hand, have forced no persons into their service, nor have they sought, nor are they disposed to punish, any who after having freely emigrated to any part of the British dominions and settled there, may have entered voluntarily into the British army.

The remaining inquiries relate to objects other than the immediate conduct of the parties in the present war. They demand information of the conduct of Great Britain, and of other powers in past times, without limitation in the retrospect, in circumstances bearing on the question of retaliation. The information required relates to the following points:

1. The conduct of Great Britain and the other nations of Europe, as to naturalization, and the employment in war, each, of the subjects of the other.
2. As to the punishment of their native subjects taken in arms against them, in the service of other powers.
3. Examples of retaliation by the latter in such cases.

These inquiries necessarily involve an extensive research into the history and jurisprudence of the nations of Europe. For so important a task the other duties of the Secretary of State have altogether disqualified him since the call was made. The approaching close of the session does not leave him time for more than the following observations:

That all the nations of Europe naturalize foreigners; that they all employ in their service the subjects of each other, and frequently against their native countries, even when not regularly naturalized; that they all allow their own subjects to emigrate to foreign countries; that, although examples may be found of the punishment of their native subjects taken in arms against them, the examples are few, and have either been marked by peculiar circumstances, taking them out of the controverted principle, or have proceeded from the passions or policy of the occasion. Even in prosecutions and convictions, having the latter origin, the final act of punishment has, with little exception, been prevented by a sense of equity and humanity, or a dread of retaliation. It is confidently believed that no instance can be found in which the alleged purposes of the enemy against the twenty-three prisoners in question, under all the circumstances which belong to their case, even though any of them may not have been regularly naturalized, are countenanced by the proceedings of any European nation; that, if no instances occur of retaliation in the few cases requiring it, or in any of them, by the Governments employing such persons, it has been, as is presumed, because the punishment which had been inflicted by

the native country might be accounted for on some principle other than its denial of the right of emigration and naturalization. Had the Government employing the persons, so punished by their native country, retaliated in such cases, it might have incurred the reproach either of countenancing acknowledged crimes, or of following the example of the other party in acts of cruelty, exciting horror, rather than of fulfilling its pledge to innocent persons in support of rights fairly obtained, and sanctioned by the general opinion and practice of all the nations of Europe, ancient and modern.

All which is respectfully submitted.

JAMES MONROE.

DEPARTMENT OF STATE, April 14, 1814.

The Message and accompanying papers were read.

The Senate adjourned to 5 o'clock this evening.

MONDAY, April 18.

Retirement of the Vice President.

The President having informed the Senate that they had passed on all matters Legislative and Executive, on their files, and that nothing remained on his table, expressed a desire to be heard a few words, on what, by some gentlemen, was viewed in an interesting light.

He observed that, at the last session of Congress, several gentlemen of the Senate had intimated a wish that he would retire from the Chair two or three weeks before the time of adjournment, and would thus give to the Senate an opportunity for choosing a President *pro tempore*. That other gentlemen expressed a contrary desire, and thought that the President should remain in the Chair, and adjourn the Senate. That, in support of these propositions, precedents were urged on both sides. That, on considering the subject, the President had conceived, as a war existed and had produced a special session of Congress, he was differently circumstanced from any of his predecessors, and was under an obligation to remain in the Chair until the important business of the session was finished. At this period, an honorable member, who had favored an early retirement of the President, expressed an opinion, that it would be best for him to adjourn the Senate, and he adopted the measure. The President further observed that, during the present session, the subject had been revived, and had induced him cursorily to look into it; the result of which he would communicate to the Senate. He then proceeded to observe that the constitution provides, "the Vice President of the United States shall be President of the Senate;" and that an act passed the 1st of March, 1792, "relative to the election of the President and Vice President," &c., in the ninth section, provides, "that in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the President of the Senate *pro tempore*; and in case there shall be no President of the Senate, then the Speaker

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of the House of Representatives, for the time being, shall act as President of the United States, until the disability be removed, or a President shall be elected." If, then, he stated, it should happen that during any session, the President should die, the Vice President would fill the Chair of State, and the Senate would appoint a President *pro tempore*, who would succeed the Vice President, in case of his death, during the next ensuing recess of Congress. And the same would happen in case of the death of the Vice President, in any session, and of the President, in the next ensuing recess of Congress. But, if both the President and Vice President should die in any such recess, and the Vice President should have previously adjourned the Senate, then there would be no President *pro tempore*, and the Speaker of the House of Representatives would fill the Chair of Government, according to law. He further observed that, on this view of the subject, it might be said, that the constitution did not contemplate the appointment of a President *pro tempore*, because the words being, "the Vice President of the United States *shall*," and not *may*, "be President of the Senate," are imperative, and leave no discretion on his part, to quit the Chair before he had adjourned the Senate. And that, in regard to the law, it having provided for the deficiency of a President *pro tempore*, favors the construction mentioned of the constitution, and considers the Vice President as being under the necessity of remaining in the Chair until he shall have adjourned the Senate. That, on the other hand, may be urged, the high station and dignity of the Senate, resulting from its various important powers, and its other qualities, and establishing a claim, that an officer representing it should, in the events mentioned, succeed to the Chair of State. The law, also, giving a preference to the President *pro tempore*, when in competition with the Speaker, appears to establish a principle, which the practice of the Senate, under that law, has, in a certain degree, carried into effect; for, from the passing that act to the present time, there are but one or two instances in which the adjournment of the Senate has not been by a President *pro tempore*. As, then, the dignity of the Senate, its rights and privileges, (all of which the President conceived himself bound and was disposed to support,) seemed to be involved in the question of appointing, in each session of the Senate, a President *pro tempore* to adjourn it; and as it may also happen that there may be no

Speaker, the Vice President said he should hereafter retire in time for the appointment of a President *pro tempore*. But he wished always to be understood, that this determination would be in conformity with his sense of duty to the public, in respect to legislative proceedings; and that, on every occasion, he should retain his seat whilst any important bill or measure was pending, and was to be finished at that session.

Having made these observations, and others, in regard to his views of the obligatory nature of laws, on all persons in Government, on those who had opposed, and on those who had supported the laws, whilst pending as bills, as well as on the community at large, particularly alluding to the law which had declared war and increased his responsibility; and the tendency of a contrary conduct to prostrate the laws and Government; he said, if the Senate had no objection he would now retire, with an assurance that his best wishes would follow the Senate and every member of it; and his sincere hopes that, on their return to their homes, respectively, they would find their families and friends in health, and be happy in their affectionate interviews.

In the absence of the VICE PRESIDENT, on motion, by Mr. KING, the Senate proceeded to the choice of a President *pro tempore*, as the constitution provides; and the Hon. JOHN GAILLARD was elected.

Ordered, That the Secretary wait on the President of the United States, and acquaint him that the Senate have, in the absence of the VICE PRESIDENT, elected the Hon. JOHN GAILLARD, President of the Senate *pro tempore*.

Ordered, That the Secretary make a similar communication to the House of Representatives.

The Senate adjourned until five o'clock P. M.

Five o'clock in the Evening.

Adjournment.

A message from the House of Representatives informed the Senate that the House, having finished the business before them, are about to adjourn.

Ordered, That the Secretary inform the House of Representatives that the Senate, having finished the legislative business before them, are about to adjourn.

Agreeably to the joint resolution, the PRESIDENT adjourned the Senate, to meet on the last Monday in October next.

THIRTEENTH CONGRESS.—SECOND SESSION.

PROCEEDINGS AND DEBATES

III

THE HOUSE OF REPRESENTATIVES.

MONDAY, December 6, 1813.

The SPEAKER (Hon. HENRY CLAY, of Kentucky) took the Chair at a few minutes after 12 o'clock.

Having stated the severe indisposition of the Clerk of the House, (P. MAGRUDER,) which disabled him from attending, the SPEAKER intimated that, if no objection was made to the procedure, the Assistant Clerk (Mr. G. MAGRUDER) would act until the Clerk should be sufficiently recovered to attend to his duty in the House.

No objection being made to the proposition, the Assistant Clerk proceeded to call over the roll by States; when it appeared that the following gentlemen were present:

From New Hampshire—Roger Vose.

From Massachusetts—William Baylies, Abijah Bigelow, Daniel Dewey, Levi Hubbard, Cyrus King, John Reed, Nathaniel Ruggles, and James Parker.

From Connecticut—Epaphroditus Champion, John Davenport, jr., Lyman Law, Jonathan O. Mosely, Timothy Pitkin, and Lewis B. Sturges.

From Vermont—William C. Bradley, Ezra Butler, Richard Skinner, and Charles Rich.

From New York—Daniel Avery, Oliver C. Comstock, Jonathan Fisk, James Geddes, Thos. P. Grosvonor, Moses Kent, John Lefferts, John Lovett, Jacob Markall, Morris S. Miller, Moses Moffit, Ebenezer Sage, William S. Smith, John W. Taylor, and Elisha I. Winter.

From New Jersey—Lewis Condict, William Cox, Jacob Hufty, James Schureman, Richard Stockton, and Thomas Ward.

From Pennsylvania—Wm. Anderson, David Bard, Robert Brown, John Conard, William Crawford, Roger Davis, William Findlay, Hugh Glasgow, Isaac Griffin, Charles Jared Ingersoll, Samuel D. Ingham, Jared Irwin, Aaron Lyle, William Piper, Jonathan Roberts, Adam Seybert, Isaac Smith, Adamson Tannehill, and Thomas Wilson.

From Delaware—Thomas Cooper.

From Maryland—Stevenson Archer, Joseph Kent, Alexander McKim, Nicholas R. Moore, and Philip Stewart.

From Virginia—William A. Burwell, John Dawson, John W. Eppes, Thomas Gholson, Peterson Goodwyn, John P. Hungerford, John Kerr, Joseph Lewis, jr., William McCoy, Hugh Nelson, Thomas Newton, John Smith, and Francis White.

From North Carolina—Willis Alston, John Culpeper, Peter Forney, Nathaniel Macon, Joseph Pearson, Israel Pickens, and Bartlett Yancey.

From South Carolina—Samuel Farrow, Theodore Gourdin, John Kershaw, and William Lowndes.

From Georgia—William Barnett, Bolling Hall, and George M. Troup.

From Kentucky—Joseph Desha, William P. Duvall, Samuel McKee, Thomas Montgomery, Stephen Ormsby, and Solomon P. Sharp.

From Tennessee—John H. Bowen, Thomas K. Harris, Perry W. Humphreys, and John Rhea.

From Ohio—John Alexander, Rezin Beall, James Caldwell, William Creighton, jr., and John McLean.

From Louisiana—Thomas Bolling Robertson.

It appearing that a majority of the whole House, forming a quorum thereof, was present, the SPEAKER announced the readiness of the House to proceed to business.

The following new members were qualified, and took their seats:

From Pennsylvania, DANIEL UDREE, in the place of Mr. Hyneman, resigned; and EDWARD CROUCH, in the place of Mr. Gloninger, resigned.

JONATHAN JENNINGS, the Delegate from the Territory of Indiana; EDWARD HEMPSTEAD, the Delegate from the Territory of Missouri; and SHADRACK BOND, the Delegate from the Territory of Illinois, severally appeared, and took their seats.

WILLIAM LATTIMORE appeared, and produced his credentials, as the Delegate from the Territory of Mississippi, was qualified, and took his seat.

TUESDAY, December 7.

Several other members, to wit: from Massachusetts, TIMOTHY PICKERING and LABAN WHEATON; from Vermont, WILLIAM STRONG; from Rhode Island, RICHARD JACKSON, jr.; from Connecticut, BENJAMIN TALLMADGE; from New York, THOMAS J. OAKLEY; from Maryland, ALEXANDER C. HANSON; from Virginia, JOHN CLOPTON and HUGH CAPERTON; from North Carolina, RICHARD STANFORD and MESHAACK FRANKLIN; from South Carolina, JOHN C. CALHOUN; and from Tennessee, JOHN SEVIER, severally appeared, and took their seats.

President's Message.

A Message from the President was then received; which was read, and referred to the Committee of the Whole on the state of the Union.

[For this Message see Senate Proceedings of this date, *ante*, page 75.]

WEDNESDAY, December 8.

Several other members, to wit: from Massachusetts, WILLIAM ELY and ELIJAH BRIGHAM; from North Carolina, WILLIAM KENNEDY; and from Tennessee, FELIX GRUNDY, severally appeared, and took their seats.

THURSDAY, December 9.

Several other members, to wit: from Massachusetts, SAMUEL TAGGAERT; and from New York, JOTHAM POST, jr., and ZEBULON R. SHIPARD, severally appeared, and took their seats.

FRIDAY, December 10.

Several other members, to wit: from Pennsylvania, JAMES WHITEHILL; from Maryland, ROBERT WRIGHT; from Virginia, DANIEL SHEFFRY; from North Carolina WILLIAM GASTON; and from South Carolina, JOHN J. CHAPPELL, severally appeared, and took their seats.

Missouri Land Claims.

On motion of Mr. HEMPSTEAD,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of providing, by law, for the speedy and final confirmation of all grants of land, or orders of survey, lawfully made and completed, by the proper officer, in the late District of Louisiana, now Territory of Missouri, during the time the said Territory was in the actual possession of Spain or France, and while either of those powers exercised the sovereignty therein.

Resolved, That said committee inquire into the expediency of making provision, by law, for granting all such claims to land, in said Territory, not exceeding six hundred and forty acres to each claimant, where the claimant, or the person under whom he claims, had actually cultivated the same, prior to the 20th of December, 1813.

Resolved, That said committee be instructed to inquire into the expediency of making provision, by law, to enable persons claiming lands in said Territory, and which shall not be confirmed or granted, under the laws of the United States, to contest the legality of such decisions in a court of law.

Resolved, That said committee be instructed to inquire into the expediency of extending the right of pre-emption to actual settlers on the public lands in said Territory, and that said committee have leave to report by bill or otherwise.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expedi-

ency of making provision, by law, for the appointment of an additional Judge of the Supreme Court, in the Territory of Missouri, exclusively for the District of Arkansas, with leave to report by bill or otherwise.

SATURDAY, December 11.

The doors being opened, Mr. BOYD of New York, Mr. REA of Pennsylvania, Mr. KING of North Carolina, and Mr. CHEVES of South Carolina, severally appeared, and took their seats. And the House then adjourned.

MONDAY, December 13.

Several other members, to wit: from Massachusetts, GEORGE BRADBURY; from Rhode Island, ELISHA R. POTTER; from Virginia, JAMES PLEASANTS, jr.; and from Georgia, THOMAS TELFAIR, severally appeared, and took their seats.

TUESDAY, December 14.

Two other members, to wit, from Georgia, JOHN FORSYTH, and from Kentucky, JAMES CLARKE, appeared, and took their seats.

WEDNESDAY, December 15.

Several other members, to wit: from New York, ABRAHAM HASBROUCK, and from Virginia, THOMAS M. BAYLY and JAMES JOHNSON, appeared, and took their seats.

THURSDAY, December 16.

Another member, to wit: from South Carolina, DAVID R. EVANS, appeared, and took his seat.

MONDAY, December 20.

Three other members, to wit: from Massachusetts, JOHN WILSON; from New York, SAMUEL SHERWOOD; and from Virginia, JAMES BRECKENRIDGE, appeared, and took their seats.

TUESDAY, December 21.

Retaliation.

Mr. LOVETT moved that the House do come to the following resolutions:

1. *Resolved*, That the President of the United States be requested to cause to be laid before this House, if, in his opinion, it will not be inconsistent with the public welfare, all the evidence in his possession relative to the commencement, progress, and present state or the system of retaliation upon prisoners of war, to which the Governments of the United States and Great Britain have lately resorted. Also, that the President of the United States will cause to be laid before this House the names of those prisoners of war who have been sent as criminals to England for trial. Also, evidence when and where those prisoners were captured; at what time they emigrated from the British dominions to the United States; when, and in what manner, they had incorporated themselves

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Petition of General Alexander Smyth.

[H. OF R.]

into our political society; also, whether any or all of said prisoners have been naturalized agreeably to the laws of the United States, and when; and all other evidence which may serve to show and define the national character of said prisoners of war.

2. *Resolved*, That the President of the United States be requested to cause to be laid before this House, if, in his opinion, it be not inconsistent with the public welfare, any documents, papers, evidence, or information, tending to show that naturalized subjects of Great Britain are, by her, employed in war against their native country, and that they are, by her, protected from punishment, either by means of retaliation, or otherwise, when taken by their native countrymen in arms against them, or in arms invading their territories.

3. *Resolved*, That the President of the United States be requested to cause to be laid before this House, if, in his opinion, it be not inconsistent with the public welfare, such evidence as he may have in his possession, relative to the orders, regulations, and proclamations, which, since the commencement of the present war, have been issued and promulgated in the provinces of Canada, by the Governor General of those provinces, or any other officer or agent of the British Government, relative to the state, condition, rights, and duties, of the native citizens of the United States, residing in those provinces; also, the number of such native citizens of the United States as have, during the present war, borne arms against the United States, within their limits, and what is the present situation of such citizens.

Mr. LOVETT observed: It cannot be necessary for me, sir, to occupy much of the time of this House in avowing the motives which have induced me to submit these resolutions to the consideration of the House; both the motives and the object must be palpable.

It is a fact as notorious as lamentable, that the Government of the United States has entered upon a broad system of retaliation upon prisoners of war; that rapid strides in that system have already been made towards a very serious, and possibly, fatal result. By the progress made in this system many individuals are already deprived of their personal liberty, and, in strong solicitude, are awaiting an uncertain fate. In every point of view the subject of retaliation is important. The *lex talionis* is bottomed upon necessity and policy; it is the *ne plus ultra* of civil warfare.

It is the solemn duty of the House to examine, with profound attention, the ground we are advancing upon. The President, in his Message, has called our attention to it; the voice of the nation and of humanity call us to it. We have already so far acted upon the subject as to refer that part of the Message to a select committee. The evidence required will be indispensable for that committee. Let them have it, and thoroughly investigate the business. If we have adopted untenable principles, the sooner they shall be abandoned the better; if questionable ones, the sooner they shall be examined the safer. I would equally avoid the too bold assertion of a doubtful right, as the pusillanimous surrender of an undeniable one. But, sir, if the principles of the *lex talionis*, as settled by

the laws of nations, will bear us out in this system, then out let us go, even if we festoon the borders of our country with halters.

The resolutions were read, and ordered to lie on the table, and be printed.

WEDNESDAY, December 22.

Two other members, to wit: from Delaware, HENRY M. RIDGELY; and from Ohio, JAMES KILBOURN, appeared, and took their seats.

THURSDAY, December 23.

Another member, to wit, from Massachusetts, ARTEMAS WARD, appeared, and took his seat.

FRIDAY, December 24.

AYLETT HAWES, from Virginia, appeared, and took his seat.

TUESDAY, December 28.

Petition of General Alexander Smyth.

The SPEAKER presented a petition of Alexander Smyth, of the State of Virginia, praying to retain his rank in the line of the Army as a Brigadier-General. The petition is as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The petition of Alexander Smyth, a citizen of Virginia, respectfully represents: That having, in 1807, written to an honorable member of the House of Representatives, that, in case of war with Great Britain, he was desirous to enter into the regular service, he received, in 1808, an appointment as colonel of a regiment of riflemen. That, although war had not commenced, yet the event being probable, he abandoned his profession which was then lucrative, left his family, vacated his seat in the Senate of Virginia as the representative of thirteen counties, and joined the Army of the United States. That your petitioner had the good fortune to give the utmost satisfaction to his superiors, General Wilkinson, General Hampton, General Dearborn, and the late Secretary of War, while acting under their immediate orders; was promoted to the rank of Brigadier and Inspector General in July, 1812; given the command of a brigade in September, and of one of the Armies of the United States in October, in the same year. That, at the expiration of five weeks, during which period he made every exertion in his power to serve the nation, he found it necessary to put his troops into winter quarters. Having determined on that measure, as your petitioner had been absent from his home the last eight winters, much the greater part of the last five years, and the whole of the last fourteen months, and had been refused leave to visit his family in the month of July preceding, and calculating that it was probable the campaign of 1813 might terminate his existence, he, without resigning his command, asked for leave of absence, which was granted until the 1st of March, 1813, at which time your petitioner was ordered to report himself to the Secretary of War. That your petitioner left his troops in cantonments, under the command of an officer of thirty-six years' experience; and in February, 1813, reported himself by letter to the Secretary of War, and solicited orders; and, as the failure of your

petitioner to take Fort George, York, and Kingston, and to winter in Canada, as he was instructed, had created some clamor, your petitioner proposed that an inquiry into his conduct should take place, which the Hon. Secretary, through the medium of the Adjutant General, was pleased to promise; since which time, your petitioner has not had the honor to hear from the War Office.

Your petitioner would further represent, that he has heard that some members of your honorable body are of opinion that, by an act of the last session regulating the staff of the Army of the United States, your petitioner has become a private citizen; and, with this opinion, his own might perhaps accord, were it not impossible to believe that the Congress of the United States, at their last session, could have intentionally committed an act of injustice.

Your petitioner affirms that he has not done or omitted any thing to the injury of the nation; that his chief, if not his only error, has consisted in expressing too freely his indignation against those who had done injuries, or omitted to perform duties, to the nation. The motives which led astray, he conceives, might procure for this error forgiveness. That this affirmation is true, he believes he can satisfy a committee or committees of your honorable body on short notice.

Your petitioner has essayed to engage again in the pursuits of civil life; but he finds that, while the din of war continues, it is impossible for him to give the necessary attention to any peaceful pursuit. He desires to serve, to die, if Heaven wills it, in the defence of his country; a country that has protected his infancy, given him a family, and at times distinguished him with considerable honors; from whose Government no act of wrong, personal to himself, will force his esteem, while it maintains, with steady perseverance, that country's rights.

Your petitioner confidently trusts that, in deciding on his prayer, you will be mindful of the rule of justice: "To others do, the law is not severe, what to thyself thou wishest to be done;"—and of the rule of policy:—"The social body is oppressed, when one of its members is oppressed."

The prayer of your petitioner is, that you will revise the act organizing the staff of the Army of the United States, and by a declaratory act preserve the rank of your petitioner, as a Brigadier General in the line, abolishing only his authority as Inspector General.

And your petitioner, &c.

A. SMYTH.

Referred to the Secretary of War.

Relations with France.

Mr. HANSON, of Maryland, announced his intention to offer a resolution to the House. He said that the information to be called for by at least one of the resolutions which he should presently offer, was of a nature to require it to be placed before this body as early as possible. One subject excepted, perhaps no information in the power of the Executive was more important to both sides of the House. He did not, he said, mean to be understood as intimating that some, perhaps many, if not all of the political elect, of those initiated into the mysteries of Government, did not possess a minute knowledge of what was only known to him and others as being buzzed about by faint

report. To be sure, said he, we who are political heretics, and of course under judgment of fiery condemnation—we, political unbelievers in the true faith, have no right to expect to be initiated into the ceremonies and mysteries of Government. But, sir, until you let into our minds the light of revelation, I beg we may not be cursed and condemned for what we are not permitted to know and comprehend. It had been said, Mr. H. remarked, by an eminent divine, of evangelical piety and much intellectual information, "that where mystery begins, there true religion ends." This observation, and in quoting it he meant no invidious allusion to any religious sect, applied with much more aptness and force to political than to religious or moral concerns. With all the acknowledged forecast and sagacity of the Chair, Mr. H. observed, the Speaker might not, from what little he had perhaps unnecessarily said on this subject, anticipate the nature of the information he was about to move for. He would therefore quote from the President's Message a passage which appeared to him to render the adoption of the first of the resolves he had before him perfectly proper, and indeed necessary. Mr. H. then recited the passage from the Message, which recommended the adoption of legal provisions for reciprocating the admission into our ports of vessels of friendly nations, who admit within their waters our public and private armed vessels. This part of the Message, he said, although the word France was nowhere contained in it, related exclusively to that Government, her dependencies and allies. Now, this part of the Message had been referred to a special committee; and as, in his judgment, an alliance essentially in fact, though not in form, already exists between our country and France, he begged, before the cords which bind us together are drawn closer, that Congress may be enabled to legislate intelligently and with wisdom on this subject. At this day, he said, after the very mortifying disclosures of facts in respect to our relation with France, it would not be disputed here that many humiliating injuries had been heaped by her Chief on this country. It would not be disputed that he had surprised, seized, and confiscated millions of our property perfidiously drawn within his grasp—to so great an amount as that, to use the language of our Minister, its very magnitude destroyed all hopes of its restitution. To say nothing of the very alarming evils which might ensue, the admission into our ports of French vessels of war and privateers, it was certainly proper that this House, before legislating on this subject, should be apprised distinctly of the state of our relations with France. The second resolution he should offer he was perfectly content to let rest on its intrinsic merits; holding himself, however, bound to prove, if the House should let him, all the material facts connected with the subject, and out of which it had grown. Mr. H. then read in his place the following resolutions:

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Conduct of the War.

[H. OF R.]

1. *Resolved*, That the President be, and he is hereby, requested to communicate to this House any information in his possession, and which may not be improper to divulge, in relation to the omission or refusal of the French Government to accredit the Minister Plenipotentiary sent by the United States to that Court; or, of his reception if accredited; of the time when he was so accredited; and of the progress of his negotiation.

2. *Resolved*, That the President be, and he is hereby, requested to cause to be laid before this House any correspondence with, or communication in writing from, the late Minister of France, resident at Washington, on or about the 14th of June, 1809, or subsequently with his successor, M. Serrurier, prescribing or declaring the terms and conditions upon which their Sovereign would consent to treat of amity and commerce with the United States, if any such correspondence or communication be in the possession of the Executive; and, if none such be in the possession of the Executive, that the President be, and he is hereby, requested to inform this House, unless the public interest forbid such disclosure, whether there has not been such a correspondence or communication, which was withdrawn from the archives of the Department of State, and, if so, when and how the same was so withdrawn.

Mr. GROSVEHOR, of New York, called for the yeas and nays on the question of consideration; when it appeared there were—for consideration 124, against it 21.

WEDNESDAY, December 29.

Four other members, to wit: from New Hampshire, WILLIAM HALL and DANIEL WEBSTER; and from Massachusetts, SAMUEL DAVIS, and ABEL WOODS, severally appeared, and took their seats.

Missouri Territory.

The House resolved itself into a Committee of the Whole on the bill for appointing an additional judge in the Missouri Territory.

In the course of the sitting, Mr. HEMPSTEAD, of Missouri, explained the circumstances under which he had been instructed by the Legislature of Missouri to move this measure. The settlement of Arkansas, for which an additional judge was asked, was situated, he said, at the distance of two hundred miles from New Madrid, where the courts are now held, and, since the late earthquakes, the road has become so nearly impassable, that a circuit of three hundred miles was required, to pass from one place to the other. So great a distance from the seat of justice obviously constituted, in matters of small amount, a denial of justice, and required the remedy now proposed, &c.

The bill was reported to the House, and ordered to be engrossed for a third reading.

FRIDAY, December 31.

Conduct of the War.

Mr. BRADLEY, of Vermont, said it was well known, that late in the last session of Congress he had offered a resolution for inquiring into the causes of the disasters on our frontier,

which had not received the approbation of the House. The objections to the course which he then proposed to pursue appeared now to have lost much of their force, whilst the reasons which recommended its adoption had daily gathered strength. He now again proposed to offer a like resolution to the House, under the persuasion that under any circumstances it was necessary. If a change were even likely to take place in the state of our present relations to foreign powers, justice to the parties concerned required the adoption of the motion. If the war continued, the inquiry was doubly necessary, that it might be made more efficient for the future. Mr. B. said he would not anticipate any objections to his resolution, but would content himself with observing, that it was founded in a sense of justice to the Executive; and not inconsistent with that confidence justly due to it. He had adopted a phraseology, too, which he believed would remove many of the objections urged to it at the last session. Under these impressions he proposed the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before this House any information in his possession, not improper to be communicated, which may tend to illustrate the causes of the failure of the arms of the United States on the Northern frontier.

Mr. MILLER, of New York, expressed his hope that the gentleman from Vermont would permit his resolution to lie on the table for a day or two—not that he was opposed to it, for he was zealously favorable to its object, but because he wished to move some amendments to the resolution, which would require more time than would be now afforded for reflection on the subject.

Mr. BRADLEY declined assenting to a postponement.

Mr. WRIGHT, of Maryland, submitted to the mover, whether the fact was, as stated, that our army have failed? Such was not his impression.

Mr. MURFEE, of North Carolina, required the yeas and nays on the passage of the resolution.

Mr. TROUP, of Georgia, said that if an inquiry of this sort was expedient at all, the shape of the proposition was perhaps as little exceptionable as could have been given to it. But a military inquiry, under any circumstances, was a matter of so much delicacy, that it ought to be well weighed and entered into with much caution and circumspection. This arose from the nature of such inquiries. Secrecy was the soul of military operations. Their details ought to be known to those concerned only; for, if imparted to others, perchance they might find their way to the enemy. It was very well known that military investigations frequently took place in the British House of Commons; but the invariable object of them was to turn out the Ministry. Such an inquiry, however, rarely was instituted even there; and when-

ever successfully urged, it had invariably been when the object of an expedition or campaign had been abandoned. Mr. T. said he should have liked to have heard from the mover of the resolution something like argument; that much more advantage would result from the adoption, than of evil that might ensue from it. Suppose any possible result of the inquiry—suppose, for instance, that by the communication, in answer to this resolution, it should be shown that General Wilkinson had been prevented by bad weather from commencing his operations in due season; that, when he reached St. Regis, General Wilkinson, without forming a junction with General Hampton, had proceeded on Montreal; or that, even having formed such a junction, it would have been un-military for him to proceed onwards; suppose it should turn out that there had been the best military conduct possible on the part of all our Generals; or, that the object of the campaign failed to be accomplished in consequence of the misconduct of either of them, or was the result of cowardice or treason; suppose any result, probable or improbable, and where is the constitutional remedy? How would the gentleman lay his hand on the delinquent? An investigation, it appeared to him, could not properly be made by a tribunal which had not the power to apply the remedy. The investigation, as well as the remedy, rightfully belonged to another department of the Government. Martial law was the only proper corrective to be applied to misconduct of military men. Not, Mr. T. said, that he was opposed to every species of military inquiry. Far from it. There were certain species of such inquiry which it might be perfectly proper to institute. For the purpose of new modelling an army, abolishing certain descriptions of force or grades of office, such inquiries might be necessary. But, said he, for the purpose of reaching any particular military commander, who is supposed to have forfeited the confidence of the people, the remedy is not yours; it belongs to the Executive. Not having the remedy in our hands, the inquiry cannot be productive of any advantage to the public concerns. But with respect to some evils which may result, Mr. T. said he would add a few words. What description of evidence would be necessary to the intelligent prosecution of such an inquiry? Nothing short, certainly, of the plan of the campaign, the correspondence between the General, and the correspondence of the Generals with each other, &c. Mr. T. dwelt on the evils which would result from exposing to the enemy a plan of the campaign, &c. Unfortunate as the termination of this campaign might have been, it would become more so by exposing to the enemy the official details of its plans and progress. Wherever we had experienced during the war any thing of disaster or defeat, it was attributable to our ignorance of the force of the enemy. It was therefore obviously important to us to follow the example of the

enemy in this respect, and keep him as much as possible in ignorance of our military operations. He may occasionally derive information from a traitor or deserter; but information so acquired bore no comparison to the injury which would result from affording the enemy official information on these matters; and such official information, he presumed, would alone satisfy the object of the gentleman's motion. He hoped therefore it would not pass.

The question on the passage of the resolution was then decided in the affirmative—yeas 137, nays 13.

So the resolution was passed, and a committee was appointed to wait on the President with the same.

MONDAY, January 3, 1814.

Amendment to the Constitution.

On motion of Mr. PICKENS, of North Carolina, the House resolved itself into a Committee of the Whole, on the proposition to amend the Constitution of the United States, so as to establish a uniform mode of election of Electors of President and Vice President of the United States.

Mr. PICKENS said: Mr. Chairman, the object of the resolution is to establish a uniform mode of choosing Electors of President and Vice President of the United States; and that mode to be by the free, fair, and direct vote of the people in single districts; qualifying the right of suffrage by the same rules which the States have respectively prescribed for the choice of representatives—an object only to be attained by amending the constitution.

I am sensible of the delicacy of changing any important features of this great charter of our Government. I believe it would be better to suffer minor evils than to lay our hands rashly upon it; so much sanction will it derive from the length of usage, as well as from a recollection of the pure day when it was framed. Considering, however, that the instrument embraces a provision of its own amendment, in such instances as experience might prove it to be defective; believing, moreover, that in this particular, the reasons in favor of the amendment are so imperious as to outweigh every countervailing consideration, I have felt it my duty to offer this proposition to the House. I will endeavor to assign such reasons in favor of the measure as appear to me most forcible; though I fear I shall not be so fortunate as to be able to present them in such form as to entitle them to a favorable consideration.

That some uniform method of appointing Electors should be adopted, the reason of the case as well as our own short experience demonstrates. This will secure a just equality in the relative weight of the States. Otherwise one State having a regard to the feelings and sentiments of the minority will divide in its vote in proportion as political opinions are divided; giving only a fair balance in the elec-

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toral scale; while a sister State, equally if not more divided in opinion on national politics, will give an undivided vote in the opposite scale. It requires no calculation to see that in this way a man may be elected to the first office of the nation by a minority of votes of the people, while an opposing candidate with two-thirds of the weight of public sentiment in his favor will be rejected. That this is unjust, is as evident as that the rights of man are equal. I am aware of the answer which may be made to this: that the inequality may be prevented by each State imitating the example of those States that adopt a mode of giving a united vote. This may be done; and from this idea of self-defence, rather than from any belief of its abstract propriety, many of the States have been driven into the measure. The question again returns: if the States are obliged to resort (as some of them will reluctantly, I know) to a system of preserving their proportional weight, why not establish at once a fair, equal, and uniform rule upon this subject?—a rule which every man's justice and good sense will approve, and which will appear most congenial with our free form of Government. If by this rule any State will gain or lose in relation to its present comparative weight, it will lose only what in justice it ought.

It illy comports with the dignity or the real interests of this great Confederacy to suffer this struggling among the States for the advantage over each other. Yet so long as the subject is left at large, contending parties will resort to it for present purposes. Ought we not then to fix a regular system which shall overlook the little interests of the moment, and such as will be just and fair under any change of circumstances, and in the remotest times?

We must expect much agitation in the public mind at the approach of each period of election, as well from contending parties in the same State, as from the States themselves. The majority will endeavor to secure an individual vote to the candidate they may espouse, and to have the minor divisions unheard in the College of Electors; while this will be resisted with all the art and insinuation a minority can command, even to the hazard of losing the vote of the State entirely. This will be the ground of much crimination and recrimination, which naturally produce an irritation in the public feelings, always unpleasant and often dangerous.

At the eve of our elections sudden changes will be made, or attempted, to answer the emergency. One instance will be used as a precedent for others less justifiable, until the people will have lost all confidence in the exercise of this important suffrage. We need only look back to our late election for evidence of this. In the State of New Jersey, at the moment when the people were about to exercise their long-accustomed rights of voting for the Electors, the General Assembly met, and deeming it not prudent to trust the election to the vote of the people, repealed the law on the

subject, and vested that power in their own body, and accordingly appointed the Electors. When these cases occur at this day, what may we expect when parties are more virulent, and men less virtuous? About the same time this subject was long disputed between the two branches of the Assembly of Massachusetts. After much disagreeable jarring, it happened that a compromise was effected between the Houses, each having insisted on the best terms which it could get for the purposes of their respective parties. I have been informed that a similar difference existed between the two Houses of the Pennsylvania Legislature on a former occasion, and that it was not until the time had nearly elapsed that a compromise was effected, and the votes of the State saved. It is not pretended that these compromises were settled on the fair principles of public sentiment. They were mere bargains, in which the parties were only influenced by a view to their own purposes.

While this election is left to the regulation of the State Legislatures, it will have a necessary tendency to intermix State and general politics. In most States the regular duties of legislation are of a different character from the subject of national politics, and therefore should not be confused together. A State will better attend to its internal affairs where its Legislature is as little as possible engaged in forming electoral tickets or planning modes of election favorable to political views.

In inquiring what mode will be most advisable to establish as a uniform rule for the appointment of Electors, but three plans present themselves: that by the vote of the people in the districts, as proposed; an election by a general ticket; an appointment by the vote of the State Legislatures. These are the only modes, one or the other of which the several States have had in use.

The plan now presented appears to me most congenial with the free spirit of our Government, and the most fair and simple in its operation; if we still maintain our first political maxim, that "all legitimate power is derived from the people," it must result that the most direct channel through which this power can be conveniently communicated is to be preferred. No method is so direct as that by which a man makes his own ticket, and votes it—no mode is more convenient than that by a single district. No qualification of suffrage will be so reasonable as that which adopts the rule which the States have prescribed.

In the district plan, no caucus or self-appointed committee will be required to form a ticket for the State, which is indispensable in any other more general mode of popular election, for otherwise a general concert in selecting could not well take place. The people will be free from the imposing influence of a nominated ticket, and will be able to fix on their own candidates with a fair prospect of success. Nor will they be liable to imposition by spurious

tickets, where every man will know the person for whom he votes; very different will be the case where a collective number of candidates are named on the same ticket, with all of whom very few individuals in any one section of the State will be acquainted; then a ticket will gain currency by the title that may be endorsed on it, or the name of some prominent character placed at the head of the list. From this circumstance much fraud may be practised with effect; as it will be very difficult to detect impositions that may be offered at the various election grounds in a State. This kind of imposition was, if my information is correct, practised in the State of Ohio at the last Presidential election, by which two separate tickets were introduced, purporting to be for the same candidate, which had the effect of diverting from him a part of his support, though to a small extent.

Elections will be best secured against intrigue and corruption where this power is exercised by the scattered freemen at large. Where this trust is centered as it were in a single point, as by a legislative vote, designing men will have more inducement to offer corrupt influence: and in times less virtuous a few powerful men may be able to effect the elevation of an individual whom the nation may believe to be unworthy.

The proposed method will arrive the nearest at a fair equality between the relative weight of the States, respect being had to the proportional division of political interest that may prevail. I admit that, at first view, this would seem to give an advantage to the small States, inasmuch as the balance of votes in a small State may be equal to, or may exceed that of a large one. This however will never exist but where the equality of political parties in the latter will be such as nearly to neutralize the State, when it will be just. Where a State is precisely divided in its votes, it stands neutral, and no man can say it ought not. If this be just, then in proportion as the equality diminishes even until it approaches a unanimity, in that proportion only ought the majority to prevail in the College of Electors.

In the mode of appointment by a Legislative vote, this privilege is unnecessarily removed a degree farther from the people, who are the fountain of political power. And in the election by general ticket the power is virtually removed still more remotely from them. For this ticket must of necessity be formed by a caucus of the State Assembly, or by some other collection of individuals. This nomination in a State, though not obligatory, yet, it is not in the power of the people to oppose it successfully, though a part or the whole of the persons named should be obnoxious, unless by a similar concert of other individuals who may take upon themselves to manufacture a ticket in opposition, and in reality the only alternative with the voter, is either to decline his right of vote with possibility of effect, or give his aid to one or other of the manufactured tickets.

A reason against any mode of giving the undivided votes of the States, of all others the most important, and most affecting the vital existence of the Union, is its tendency towards a geographical severance of parties. By the principle of self-defence all the States must adopt such a mode, unless a uniform plan is established; indeed, they have nearly all so acted at the late election as to give unanimous votes; and by this means a whole section of the Union, with a small exception, voted for one individual, while the opposite section supported his opponent, and these sections are divided by regular State lines. Now, does a Chief Magistrate so elected appear to represent the whole Union? And will not a small number of repetitions of such events naturally draw the opposite parties, in looking toward their opponents, to look directly across this divisional line? The States North and East of Pennsylvania and Maryland, with the exception of one small State, were, by the manner of voting, unanimously opposed to the election of the candidate who succeeded; while the States South and West were entirely unanimous in his favor. This seems evidently a direct advance towards a separation of parties by geographical boundaries; for the irritation occasioned by mutual charges and recriminations will gradually lead to settled hatred and jealousy of each other.

Mr. FINDLAY spoke for a few minutes in opposition to the resolutions.

Mr. GASTON said, that after the pertinent and judicious observations of his colleague (Mr. PICKENS) in support of the proposed amendment to the constitution, he had indulged the hope that some of the gentlemen who were averse to its adoption would have fully stated the grounds upon which their opposition was founded. He should have attended to their remarks with pleasure, and had they failed to produce conviction on his mind, would have endeavored, according to his opportunity and ability, to give them a suitable reply. Although this hope had been disappointed, and it might appear superfluous to add any thing to an argument which remained yet unanswered, he must be excused for trespassing on the patience of the committee for a few minutes. The proposition merited a deliberate examination. It related to one of the most important features of the constitution. His best judgment had convinced him that it ought to be adopted. As a member of the Legislature of North Carolina he had cordially united in recommending it to the notice of Congress. He could not reconcile it to his feelings or to his sense of duty if he did not contribute to its support an aid more efficacious than the mere expression of his vote.

The proposed amendment owed its origin to an occurrence which had excited an extraordinary interest in the State which he had the honor in part to represent. Electors of President and Vice President had been uniformly chosen in North Carolina by the people, voting in convenient and legal districts. But at the

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eve of the last Presidential election the Legislature of that State abolished the ancient and well-approved mode, and directed the appointment to be made by the succeeding Legislature. Although, in favor of this innovation, it was urged, certainly with plausibility if not with force, that it was proper for North Carolina, in self-defence, to adopt some mode which would enable her to bring out her entire strength in the appointment of a President; and although it was morally certain that the effect of the change would be to promote, in a very decided manner, the election of the candidate who was the favorite with the majority of her citizens, yet this inroad upon the elective franchise created almost universal dissatisfaction. Without stopping to vindicate the propriety of this discontent, said Mr. G., I cannot but regard it with complacency. It is an indication that there exists among my countrymen a quickness of perception and intensity of feeling in relation to a subject upon which dulness or indifference might be fatal. I am rejoiced at this sensitive shrinking at the approach of whatever savors of usurpation. It augurs well—it is a proof that even State pride and the spirit of party may be addressed in vain, when they are wooed to the sacrifice of a fundamental right.

Such was the effect of the excited temper of the people, that their next Legislature re-enacted the accustomed mode of appointing Electors, and divided the State into districts. But, at the same time, reflecting upon the many evils which resulted from the want of a uniform mode of appointment throughout the Union, they came to the unanimous determination of proposing the amendment to the constitution which is now under consideration. Its great principle is, that each State shall be divided by its Legislature into equal districts, in each of which the people entitled to vote for the most numerous branch of the State Legislature shall appoint an Elector. As the details have not been objected to, I shall confine my remarks to the support of this principle.

Sir, there breathes not a man who views the sacred character of Federal Union with more reverence than myself. No one can more sincerely or ardently deprecate any innovation on its principles. If the proposition under discussion embraced such an innovation, however advisable it might seem—however clear of all objections that I could anticipate—I should tremble at the attempt to introduce it. But, when we come to examine the constitution, and compare with it the proposed amendment, we shall find that the object is not to introduce new, but to invigorate old principles: to give a practical operation to the instrument which consists with its designed effect—to rescue it from perversion and abuse.

It is well known, that no part of the plan of a Federal Government presented greater difficulties to the illustrious men who framed it, than that which relates to the appointment of the

Executive. Dangers exhibited themselves on every side; from within they had to apprehend the successful operation of all those bad passions that were connected with the acquisition or control of an office, from which flowed patronage, and profit, and power; from without they could not but dread the intrigues, and arts, and corruptions, consequent upon the efforts of foreign nations to regulate the choice of an individual who was to direct the measures of a great people in relation to them. The outlines of their plan were sketched with a masterly hand. Each State was to choose a number of Electors, upon the combined principles of population and State sovereignty, equal to the number of Senators and Representatives. These Electors were to be called into existence, for the special purpose of voting for a President, and were to exist only during that special conjuncture. They were to meet in each State and on the same day throughout the Union. No Senator or Representative, or person holding an office under the General Government, could be a member of the Electoral College. These outlines were indeed wise, yet they were but outlines. How the Electors themselves should be chosen, the constitution did not provide; it left this part of the process of appointing a Chief Magistrate of the Union to be regulated in each State by its respective Legislature. Why this discretion was left to the State Legislatures it is not for me to decide; I should presume, however, that the Convention supposed, that in each State it would be so managed as best to suit the convenience of its citizens. It was not easy to foresee whether a choice by the people, voting in districts or in States, would best effectuate the objects of the Convention. In large States the former might be desirable, in smaller States the latter might be preferred. For the present, and until experience could be consulted, it was deemed most prudent not to fix the method. That which should ultimately be found most judicious, it was presumed would generally be adopted. The amendment now before us is perfectly in character with the symmetry of this plan. It oversteps none of its outlines; it alters not the ratio of Electors, their duration, their mode of voting, nor the materials of which they are to be composed. It directs only a uniform mode of appointing them, and proposes the only mode, as will be hereafter seen, which practically corresponds with the views of the Convention.

Is it not desirable, sir, that some uniform mode should obtain? Unless the constitution should prescribe, in definite and imperative terms, the process by which Electors shall be taken from the mass of their fellow-citizens, it will be liable to perpetual fluctuation, according to the varying notions of eighteen distinct State Legislatures, each of them subject to frequent, in general to annual changes. Nothing can contribute more effectually to the permanence and stability of any institution, than that its essential forms should be permanent and

stable. The omnipotent force of habit over individuals loses none of its power when extended to communities. Time and custom have an effect upon opinions and feelings, and modes of action, which alone can render them distinctive and characteristic. Thus it is that they become intimately associated with the affections, and are converted into what is emphatically called a second nature. It is the part of political wisdom to create and strengthen this union between the affections of the people and the forms of their Government. You thus consecrate these forms in their estimation, and establish a solid basis on which the Government itself can rest. May I not be permitted to say, too, without an attack upon any political party, that the honor of the country demands that we should prevent the recurrence of those scenes which, on the return of every Presidential election, are exhibited in some one or more of the States? I mean, sir, the struggles between contending parties to render the mode of appointment subservient to their immediate views. This subject has not charms enough to induce me to examine it in detail. Every gentleman has witnessed such scenes. No party can claim to be guiltless of such designs—"Peccatur et intra mœnia et extra." In one State we behold the same class of political believers contending strenuously for a mode of appointment, which in another they as zealously oppose.

An eminent advantage which I believe likely to flow from this fair expression of the sentiments of every portion of the people, in the choice of a President, will be found in the security which it affords to the minority in each State against the intolerance of the majority. In Republican Governments the majority must indeed rule, but it is of vast importance that the majority should be compelled to respect, not only the rights, but the opinions, feelings, and even prejudices of the minority. Unless it feel this sentiment, nature and history prove that it will be unjust and overbearing. When the Electors of President are chosen by States, the minority in each State is utterly without weight. As to this purpose it has no political power. Its opinions are treated with arrogance. The individuals who belong to it are viewed as a class that is arrayed against the cause of the State. They must either forbear from all interference in its concerns, or be subjected to the jealousies and malignant tyranny of intolerant power—never more intolerant than when backed by the physical force of the community, or when exerted upon those who are without the ability to retaliate. Let the voice of every part of the nation be heard in the appointment of the Chief Magistrate, and the minority in each State acquires an importance, which insures to them respect and political freedom. If they can give but one vote, it is worth the attention of the majority to conciliate that vote; for, joined with the suffrages of other portions of the people in other States, it may weigh heavily in the balance.

Sir, I conscientiously believe, that a remedy like that proposed, is essentially necessary to effectuate the objects which the framers of the constitution designed to secure in the election of a President. He who in his heart loves that constitution, cannot view, but with bitter regret, the contrast which, in the choice of this Magistrate, the practice under the constitution opposes to its pure and chaste theory. It was contemplated, that the people from each State should select from among the wisest and most virtuous of their neighbors, the persons best qualified to vote for a President. The original primary act was to be theirs—spontaneously theirs. They were free to choose whomsoever they pleased, except those who, from their situation, might have too great a leaning towards the President actually in office. Of this description were Senators and Representatives. Whatever might be their individual virtue or intelligence, these were too near the Palace to be safely trusted with the power of declaring who should occupy it. The Electors thus chosen, thus free from all irregular impulse, convening in each State on the same day, and under circumstances the most favorable to deliberation, were to vote for a President, and immediately afterwards to mingle with their fellow-citizens, from whom they had been called forth but for that special purpose. Every practicable obstacle was supposed to be thus thrown in the way of "cabal, intrigue, and corruption." There was no "pre-existing body of men who might be tampered with beforehand to prostitute their votes." No sinister bias could be presumed to exist "from too great devotion to the President in office." The "transient existence" of the Electors, and their "detached situation," seemed to render cabal and combination impracticable, and to remove all opportunity of corruption. The voice of the people operating fairly and fully in the appointment, the President would feel himself indebted to them for his office, and independent of all but them for his continuance in it.

Thus beauteous smiled the theory. How hideous the deformity of the practice! The first step made in the election is by those whose interference the constitution prohibits. The members of the two Houses of Congress meet in caucus, or convention, and there ballot for a President and Vice President of the United States. The result of their election is published through the Union under the name of a recommendation. This modest recommendation then comes before the members of the respective State Legislatures. Where the appointment ultimately rests with them, no trouble whatever is given to the people. The whole business is disposed of without the least inconvenience to them. Where, *in form*, however, the choice of Electors remains with the people, the patriotic members of the State Legislature, vying with their patriotic predecessors, back this draft on popular credulity with the weight of their endorsement. Not content with this, they benev-

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olently point out to the people the immediate agents through whom the negotiation can be most safely carried on, make out a ticket of Electors, and thus designate the individuals who, in their behalf, are to honor this demand on their suffrages. Sir, this whole proceeding appears to be monstrous. It must be corrected, or the character of this Government is fundamentally changed. Already, in fact, the Chief Magistrate of the nation owes his office principally to *aristocratic* intrigue, cabal, and management. Pre-existing bodies of men, and not the people, make the appointment. Such bodies, from the constitution of nature, are necessarily directed in their movements by a few leaders, whose talents, or boldness, or activity, give them an ascendancy over their associates. On every side these leaders are accessible to the assaults of corruption. I mean not, sir, that vulgar species of corruption, only, which is addressed to the most sordid of human passions, but that which finds its way to the heart, through the avenues which pride, ambition, vanity, personal resentment, family attachment, and a thousand foibles and vices open to the machinations of intrigue. Their comparatively "permanent existence," and concentrated situation, afford the most desirable facilities for the continued operation of these sinister acts. It is not in nature that they should long operate in vain; nor is it in nature that the individual elected by these means should not feel his dependence on those to whom he owes his office, or forego the practices which are essential to insure its continuance, or its transmission in the desired succession. Thus, in practice, do we find all the advantages frustrated which, in the choice of a President, the Convention so anxiously sought to secure, and all the evils realized against which barriers were so sedulously erected. Who can recognize, in the object thus exhibited, any of those features which its early friends contemplated with admiration, and joy, and hope? If a single trace remains of its former charms—

"Tis but that loveliness in death,
Which parts not quite with parting breath;
Expression's last receding ray,
A gilded halo hovering round decay."

Mr. Chairman, I dare not promise that the adoption of this amendment by the States will put an end to cabal, intrigue, and corruption, in the appointment of a President. No human means can be adequate to that end. But I believe it demonstrable that this amendment will deprive cabals of facility in combination, render intrigue less systematic, and diminish the opportunities of corruption. I cannot say that it will insure to this high and important office pre-eminent ability and virtue, but I am convinced that it will exclude from the appointment all who have not succeeded in establishing that character with the great body of their fellow-citizens. The President may yet have his favorites and partisans, who will yield support and receive patronage, but the voice of

the people will be heard and respected, notwithstanding all efforts to suppress or control it. Faction cannot but exist, but it will be rendered tolerant. State attachments must yet continue, (ever may they continue,) but they will not swallow up all attachment to the General Government. States may endanger the perpetuity of our Confederacy by their combinations or their quarrels, but these dangers will be stripped of half their terrors when our citizens feel that they have a common country, and are linked together by the strongest bond of connection. Under the hope and belief that this amendment will impart vigor to the constitution, re-establish it upon its true basis, and perpetuate its duration, I avow myself its warm and decided friend. The earthly wish nearest my heart is, that, amidst the storms which threaten the submersion of all that is precious in civilization or refinement, we may cling to that constitution as the mariner to the floating spar which Providence throws in the way of his preservation.

When Mr. GASTON had concluded, the committee rose, and had leave to sit again.

SATURDAY, January 4.

JOHN G. JACKSON, from Virginia, appeared, and took his seat.

Honors to Captain Lawrence.

Mr. LOWNDES, from the Committee on Naval Affairs, reported the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to present to the nearest male relative of Captain James Lawrence, a gold medal, and a silver medal to each of the commissioned officers who served under him in the sloop of war Hornet, in her conflict with the British vessel of war, "the Peacock," in testimony of the high sense entertained by Congress of the gallantry and good conduct of the officers and crew in the capture of that vessel: and the President is also requested to communicate to the nearest relative of Captain Lawrence, the sense which Congress entertains of the loss which the Naval service of the United States has since sustained in the death of that distinguished officer.

The said resolution was read, and referred to the Committee of the whole House on the resolutions from the Senate, relative to the brilliant achievement of Lieutenants Burrows and McCall, and expressive of the sense entertained by Congress of the conduct of Captain Perry, his officers and men, in the capture of the British fleet on Lake Erie.

The engrossed bill for the relief of Daniel Boone was read a third time, and passed.

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Our motion of Mr. LOWNDES, of South Carolina, the House resolved itself into a Committee of the Whole, on the resolutions expressive of the sense of Congress of the merits of several of our naval heroes, who particularly distinguished themselves during the past Summer.

Mr. LOWNDES said that he should be inexcusable if he were long to detain the committee from the vote—he hoped the unanimous vote—which they were prepared to give upon the resolutions. The victories to which they refer were, indeed, of unequal magnitude and importance; but, the least important of them, if it had been obtained by the subjects of any Government on the Continent of Europe, would have been heard with admiration, and rewarded with munificence. The action between the *Enterprise* and the *Boxer*, from which the public eye appears to have been withdrawn by the greater magnitude and the confessedly superior splendor of a more recent victory—this action has shown, as conclusively as a contest between single ships could show, the superiority of American officers and seamen over those of the nation which the continued success of a century has proved to be superior to all the rest of the world in naval warfare. Although Lieutenant Burrows was mortally wounded, early in this action, yet the skill and gallantry with which he commenced it, leave no doubt, that if he had been longer spared to the wishes and the wants of his country, the same brilliant success which resulted would have been obtained under his command; while the ability with which Lieutenant McCall continued and completed the contest, assures to him as distinguished a fame as if he had carried the vessel into action. The loss of a commander, indeed, may fairly be considered as rendering a victory more honorable to a successor, because it must render it more difficult: it may be expected to confuse, though it does not depress. But, the victory, which was achieved in forty minutes, with a disparity in the effect of the fire of which there are other examples in American history—such a victory could only have been achieved by men who did not lose for a moment their confidence, or their cool intrepidity.

Of the victory of Lake Erie, Mr. L. said that it was more difficult to speak. It was impossible for him to speak in terms which could convey any adequate conception of the importance of the victory—of the unrivalled excellence of the officers—of the gratitude of the country. The documents referred to the committee sufficiently prove that superiority of force on the part of the enemy which would have insured their victory, if it were not the appropriate character of military genius to refute the calculations which rely on the superiority of force. Nor was the victory obtained over an unskilful or a pusillanimous enemy. The English officers were brave and experienced, and the slaughter on board their vessels, before they were surrendered, sufficiently attests the bravery of their seamen. They were skilful officers, subdued by the ascendancy of still superior skill. They were a brave foe, who yielded to one yet braver.

There was one characteristic of this action, Mr. L. said, which seemed to him so strongly to distinguish it, that he could not forbear to ask the attention of the committee to it for a

few moments. He knew not an instance in naval or military history in which the success of the contest appeared so obviously to result from the personal act of the commander as in this. When the crew of Captain Perry's vessel lay bleeding around him; when his ship was a defenceless hospital; if he had wanted—not courage, which in an American officer forms no distinction—but, if he had wanted that fertility of resource which extracts from disaster the means of success and glory, he did not say, if he had surrendered his ship, but if he had obstinately defended her; if he had gone down wrapped in his flag; if he had pursued any other conduct than that which he did pursue, his associates might have emulated his desperate courage, but they must have shared his fate. The battle was lost.

Now examine any other victory, however brilliant. If, in the battle of the Nile, Lord Nelson had fallen even by the first fire, does any man believe that it would have affected the result of the contest? In the battle of Trafalgar he did fall, and victory never for a moment fluttered from what was then her chosen eyry—the British mast. And, not only in this view was the victory of Captain Perry unrivalled, but, in the importance even of its immediate consequences, he knew none in the modern history of naval warfare that could be compared with it. An important territory immediately rescued from the grasp of English power—uppermost, Canada conquered, or prepared for conquest; an ocean secured from the intrusion of every foreign flag; a frontier of a thousand miles relieved from the hostility of the most dreadful foe that civilized man has ever known! Nay, further, Captain Perry and his gallant associates have not only given us victory in one quarter, but shown us how to obtain it in another yet more important. How deep is now the impression on every mind that we want but ships to give our fleet on the Atlantic the success which has hitherto attended our single vessels! We want but ships; we want, then, but *time*. Never had a nation, when first obliged to engage in the defence of naval rights by naval means—never had such a nation the advantages or the success of ours. The naval glory of other States has risen by continued effort—by slow gradation; that of the United States, almost without a dawn, has burst upon the world in all the sudden splendor of a tropical day. To such men we can do no honor. All records of the present time must be lost—history must be a fable or a blank—or their fame is secure. To the naval character of the country our votes can do no honor, but we may secure ourselves from the imputation of insensibility to its merit—we can express our admiration and our gratitude.

Mr. L. concluded by saying that the resolution respecting the capture of the *Peacock*, proposed by the committee of the House, was the usual expression of approbation which, in similar instances, had never been omitted; it

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was an inadequate memorial of the merit of an officer who voted his life to the honor of his country.

Mr. CLAY, of Kentucky, (Speaker,) said that, before the question was put, the Chairman must allow him an opportunity of expressing the high satisfaction he felt at the very handsome and eloquent manner in which the gentleman from South Carolina had acquitted himself in the observations he had just made. It would, indeed, have illy become the Representatives of the people, when every city on the continent had almost literally blazed with joy on the occasion of these victories, to have remained silent on this subject. Our ships on the ocean, commanded by the most gallant officers in the world, had already shown what American tars could do, ship to ship. It remained for the hero of Erie to exhibit to them an awful lesson of our capacity to fight in a squadron against, not only an equal but superior force. If he were to relate the circumstances which, in his opinion, most distinguished the hero of that battle, Mr. C. said he should certainly refer to that mentioned by the gentleman from South Carolina. Imagine to yourself, said he, this valuable officer in the hour of peril, his vessel a wreck, her deck strewed with the mangled bodies of his dead and dying comrades, and admire with me the cool intrepidity and consummate skill with which he seized the propitious moment, changed his station, and, aided by his gallant second in command, and only second in merit, pressed forward to fame and to victory. Such an action, it has been well said, has scarcely its parallel in history. The importance of victory can be more readily realized, when we look at its consequences. It led to the victory on land, by which a territory was delivered, and a province conquered. No longer is the patriotic soldier, whose safety ought to be guarded by all the principles of honor and of modern warfare, to be delivered over in cold blood to the merciless tomahawk. No longer the mother wakes to the agonizing spectacle of her child torn from her breast, and immolated to savage brutality. Here, sir, said he, the consequences of that victory are most conspicuous; and, coming from a country in the vicinity of the scene of action, and so sensibly alive to its consequences, I could not forbear expressing my high satisfaction at giving my vote in favor of these propositions. Mr. C. could not sit down, he said, without expressing his pleasure at finding that the name of Elliott was coupled with that of Perry. Lieutenant Elliott had given, in the capture of the British brig Detroit, last Winter, a promise of future greatness in the line of his profession. The admirable manner in which he had in the battle of Erie seconded his brave commander, attested the propriety of connecting his name in their resolve with that of the hero of the Lake.

The committee then rose and reported the resolutions; which were, by the House, ordered to a third reading to-day.

They were accordingly read a third time, and unanimously passed.

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On motion of Mr. PICKENS, of North Carolina, the House again resolved itself into a Committee of the Whole, on Mr. PICKENS's resolutions to amend the constitution, so as to establish a uniform mode of election of Electors of President and Vice President.

Mr. WRIGHT spoke in support of the resolution, and Mr. SHIPARD against it. Mr. PICKENS made a few remarks in reply.

The question was then taken on the resolution. The vote was—for the resolve 57, against it 70.

The committee rose and reported their disagreement to the resolution, and the House adjourned.

WEDNESDAY, January 5.

Amendment to the Constitution.

The House resumed the order of the day on the report of the Committee of the Whole on the proposed amendment to the constitution, for making uniform the mode of choosing Electors of President and Vice President. The report of the committee is against the resolution.

Mr. GHOLSON said, in substance, that as he expected to vote on the question before the House differently from a large majority of his colleagues, he would beg permission very succinctly to assign some of the reasons by which he was governed. The reasons which operate on my mind, said Mr. G., are not such as have been resorted to in the debate. I shall support, sir, the proposition submitted by the honorable gentleman from North Carolina, (Mr. PICKENS,) because it will tend to nationalize the institutions of the country to which it relates, and will give to them a more federative republican form. At present the electors of the Chief Magistrate of the nation are chosen by the variant modes of eighteen distinct independent State sovereignties. In some States the choice is by the Legislatures thereof; in some by general ticket; in others by districts, &c. Now, it is perfectly manifest, that where those who are to appoint the President are themselves thus selected, the election of a President may not be substantially and unequivocally by the people. There is no certainty or assurance that Electors chosen by the State Legislatures, for instance, would select the same person for President as would the people, or persons immediately appointed by them for the purpose.

Under the present mode, the fact cannot be concealed, and I am far from attempting to disguise it, that recourse must of necessity be had to the agency of bodies called caucusses—and I do not know, sir, under the present arrangement how they could be avoided. The custom, for example, in the States choosing electors by general ticket, is for the Legislatures of such States to meet informally, that is in caucus, and

to designate and recommend to the people certain persons for the most part unknown to them, to be Electors; and these persons are accordingly uniformly chosen by the people. In this case the right of election is virtually exercised by the Legislatures, and only formally by the people. This is obvious to every gentleman. It would be uncandid to deny it. Here then, not intentionally, but from the very nature of our institutions, there is an encroachment on the privileges of the citizen. Now, sir, without any previous nomination, or recommendation in this way of electors to the people, I would prefer that the people themselves should select by districts, and within their acquaintance, their own immediate responsible agents for the purpose of appointing a President. Thus we should have a system at once uniform and national, and referring directly to the people for their decision. And in all cases I would prefer a decision by the people, where it is practicable and can be fairly expressed.

Let it not be understood that I am fond of an innovation, or that I would encourage frequent constitutional amendments. No, sir; on the contrary, I have with much reflection adopted it as a fixed principle, that, in a Government whose form is a pure representative democracy, I would make no change in the constitution except such as should be suggested by practical experience. I never would alter a Republican Constitution merely for the sake of theorizing. Testing the operations of our constitutional provision on the subject now before the House by this maxim, the question arises whether any partial inconveniences have resulted. It is perfectly notorious that such inconveniences have taken place, and they require to be remedied. They need not be recited. I am justified by experience in saying I would take as little power out of the hands of the people as possible. I would restore it to them in this case—I would not deprive them of the important privilege embraced and secured to them by the amendment before us. There is no necessity for withholding it, and it is at least as likely to be exercised with safety by the people as in any other way. I therefore hope the amendment will be adopted.

Mr. WRIGHT, Mr. MACON, and Mr. ALSTON, spoke against the report; when the further consideration of the report was postponed to to-morrow, on the suggestion of Mr. GASTON, that he had understood that some gentlemen who had voted against the amendment were friendly to the principle of the proposed amendment, but opposed to its detail; and that, being desirous that the principle should be fairly tried, he wished time to prepare an amendment which should place the principle directly before the House.

THURSDAY, January 10.

Lieutenant General Proposed.

Mr. MURFEE offered for consideration the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of empowering by law the President of the United States, by and with the advice and consent of the Senate, to appoint one Lieutenant General to command the Armies of the United States, with such powers and emoluments as may be deemed expedient.

Mr. M. said, in his opinion the result of the last campaign had disappointed the expectations of every one. That opinion had been decidedly expressed by this House, in its recent vote for inquiry into the causes which led to the failure of our arms. However general might be the opinion in this House, it was still more so in the nation. He hoped and trusted the inquiry embraced in the resolution just alluded to, would be so prosecuted as to show where the blame really rests; that, if misconduct has taken place, it may be laid at the door of the person by whom it was committed; for, as the matter now stands, no two persons in the House would agree on the causes whence this unexpected result has proceeded. But the inquiry, desirable as it is, though it may point out the cause of recent failures, cannot operate any beneficial effects on the next campaign. The time, Mr. M. said, was fast approaching when that campaign ought to commence, and, as far as he had seen, no measures, the tendency of which was to render the ensuing campaign more successful than the last had been adopted. In every age, and under every government, it had been found necessary to have some officer appointed who should be responsible for the conduct of the army, so that it should not require an investigation of two or three years to ascertain who was to blame for any particular error or misconduct. Previous to the war with France in 1798, it was thought necessary to have a person of that character. At that period, Mr. M. said, there were a great many more of the officers of our Revolutionary army living than there are now, many of whom held seats in Congress. He should be justified in saying, there was at least as much military talent in the nation at that time as there is now; and if it was at that day expedient, on a mere prospect of war, to appoint a Lieutenant General, he could not for his own part conceive that the same step was not equally necessary at this day, when war actually exists. It must, indeed, be admitted on all hands, to be more necessary now than it was then. It was a fact, he said, of which no gentleman in the House could be ignorant, that the Secretary of War had been absent from the seat of government for some months, for the purpose, as report said, of giving effect to the operations of the campaign. If such was his object, what was that but assuming upon himself the office of Commander-in-chief? If it was necessary such an office should exist, he conceived it highly proper that another officer should be appointed to execute its duties, and that they should not devolve on the Secretary of War, in addition to the important duties prescribed for him to perform.

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It was true, Mr. M. said, that he himself had no pretensions to military knowledge; but, without making any pretension to it, he might be permitted to presume that the same men and the same measures would, in the next campaign, produce the same result as in the last; and he offered the above resolution under the hope that some benefit would result from any change whatever.

Mr. WRIGHT said he did not rise to oppose the reference of this subject to the military committee; but he rose to put the gentleman right as to the feeling of the House and of the nation, which he appears so much to have misunderstood. Have the arms of the United States failed in the campaign? Have we not, on the contrary, been marvellously successful? We have gained a province taken from us. Is that nothing? Lake Erie, a great inland sea, occupied by the enemy at the commencement of the campaign, and all its shores, are ours. We conquered and took the army of the enemy in that quarter; we reduced all the Indian tribes under the yoke of the United States, and compelled them to beg for subsistence for their wives and children from us. Here there is a whole country emancipated from the British sway. Yes, sir, we regained a province we had lost, and conquered all Canada to the east end of Lake Ontario. Under a Pike, did we not succeed in taking York? Did we not succeed entirely in every thing previous to the close of the campaign? On Lake Ontario the great Yeo, who was to conquer us with so much facility, was driven into port, and we were in possession of all the waters of the Lake, with the exception of the water in the vicinity of the harbor of Kingston. Three weeks' storm and rain washed our troops into general sickness and debility, and yet they proceeded on, and are even now lying at the key of Canada, and ready to descend to Montreal the moment the season permits. True it is, said Mr. W., that public expectation was raised to a high pitch. What man could do we could achieve; but it was impossible to war against the elements, or we should long ere now have been in possession of Montreal. For his part, Mr. W. said, he attached no blame to any one; and it was cruel, on such a subject as this, to anticipate judgment before the evidence necessary to enable them to decide was submitted to the House. It was a calumny to say our arms had failed. We had never directed a blow that had not its due effect. But it was said the Secretary of War assumed the command. If a Lieutenant General be appointed, Mr. W. said, he would be as much subordinate to the Secretary of War as the present officers of the army were. When the last session of Congress ended, and he could without disadvantage leave the seat of Government, the Secretary of War had left his ease here, and voluntarily encountered all the toil and fatigue of a camp life, to contribute his best efforts to the success of our arms; and was there any man in the nation who would disapprove his con-

duct? We do injustice, said Mr. W., to the characters we thus censure, and not much credit to ourselves. The man who undertakes to give an opinion without evidence, is not qualified to decide on it when he has it before him, for he must be too prejudiced to judge correctly. Mr. W. observed he had objected to the resolution passed the other day, because there had been no failure of our arms. No officer had deserved condemnation until evidence appeared against him; and there was no evidence against the courage or conduct of our army, which had displayed, not Roman, but American valor; so conspicuous, indeed, had been the courage displayed, both by our army and navy, that he hoped the man who should hereafter speak of Roman valor, on this floor, would be considered as speaking in the second degree, and not the first.

Mr. FISK, of New York, said, before the question was taken on this resolve, he should prefer to see the House engaged in raising an army calculated to require the command of an officer of so high a grade. For, after all that might be said, and all the inquiry that could be had, it would be found to be owing to want of soldiers more than want of officers that our army had not accomplished all that was expected of them during the last campaign. With a desire that Congress should first organize a force large enough for the command, before they instituted an office of this grade, Mr. F. moved that this resolution lie on the table.

This motion was agreed to without a division, and the resolution lies over for further consideration.*

* The grade of Lieutenant General has existed in all armies from the time of the Romans to the present day, and grows naturally out of our constitution. It is the grade which is next under the Commander-in-chief, and fills his place in his absence, or when in the immediate command of divisions. By our constitution the President is Commander-in-chief; but he has other duties to fulfil which will generally keep him out of the field. A Lieutenant General is his proper representative, and if not provided for by law, some Major General becomes, from the necessity of the case, his substitute, but without the authority which the rank would give. Besides flowing regularly from our constitution, the efficiency, order, and harmony of the service requires such a rank wherever two or more Major Generals' commands act together. Our rule, that the senior is to command, though sufficient to designate the commander, is not sufficient to put him above the imputation of favoritism among corps of which one is his own, nor sufficient to give him due authority over Generals whose grade is equal to his own. In all commands, from the battalion up, there should be a superior when two bodies act together—whether two companies, two battalions, two regiments, two brigades, two divisions. The organization of the provisional army in 1793, when Washington was appointed Lieutenant General on that principle, was right; and the rank was abolished in his person, afterwards, not because it was wrong, but because it was lower than he had held during the Revolution. On the same principle, the grade of Admiral should be established in our navy; for, without advocating a great navy, there will always be officers enough of the present highest grade to require the imposing authority of a common superior.

FRIDAY, January 7.

Projected settlement at Sierra Leone—Memorial of Paul Cuffe.

Mr. WHEATON presented a petition of Paul Cuffe, a free colored man, who states, that, from motives of religion and humanity, he hath been induced to attempt the civilization and amelioration of the condition of the inhabitants of the African Continent, and praying permission for a vessel to depart from the United States to Sierra Leone, for the purpose of carrying a number of families of free colored people, to effect the object of his undertaking. Referred to the Committee of Commerce and Manufactures. The memorial is as follows :

To the President, Senate, and House of Representatives of the United States of America.

The memorial and petition of Paul Cuffe, of Westport, in the State of Massachusetts, respectfully sheweth, that your memorialist, actuated by motives which he conceives are dictated by the philanthropy which is the offspring of Christian benevolence, is induced to ask the patronage of the Government of the United States, in affording aid in execution of a plan, which he cherishes a hope may ultimately prove beneficial to his brethren of the African race within their native climate.

In order to give a complete view of the object in contemplation, it may not be considered trespassing too much on your time, to premise some of the leading circumstances which have led to the present application. Your memorialist, being a descendant of Africa, and early instructed in habits of sobriety and industry, has gratefully to acknowledge the many favors of a bountiful Providence, both in preserving him from many of the evils which the people of his color too often have fallen into, and also, by blessing his industry with such a portion of the comforts of life as to enable him in some degree not only to commiserate, but to relieve the sufferings of his fellow-creatures; and having early found implanted in his heart the principles of equity and justice, he could but view the practice of his brethren of the African race in selling their fellow-creatures into a state of slavery for life as very inconsistent with that divine principle; and, in his mature age, having been greatly interested in the abundant labor of many pious individuals, both in this country and in England to produce a termination of the wrongs of Africa, by prohibiting the slave trade, and also to improve the condition of the degraded inhabitants of the land of his ancestors, he conceived it a duty incumbent upon him, as a faithful steward of the mercies he had received, to give up a portion of his time and his property in visiting that country, and affording such means as might be in his power to promote the improvement and civilization of the Africans.

Under these impressions he left his family, and with a sacrifice of both time and money visited Sierra Leone, and there gained such information of the country and its inhabitants, as enabled him to form an opinion of many improvements that appeared to him essential to the well-being of that people. These he had an opportunity of communicating to several distinguished members of the Royal African Institution in London, and he had the satisfaction at that time to find that his recommendations were approved by the celebrated philanthropists, the Duke of Gloucester,

William Wilberforce, Thomas Clarkson, William Allen, and others, and has since learned that the institution have so far acceded to his plans as to make some special provision to carry them into effect. One of these objects was to keep up an intercourse with the free people of color in the United States, in the expectation that some persons of reputation would feel sufficiently interested to visit Africa, and endeavor to promote habits of industry, sobriety, and frugality, among the natives of that country.

These views having been communicated by your petitioner to the free people of color in Baltimore, Philadelphia, New York, and Boston, they, with a zeal becoming so important a concern, have manifested a disposition to promote so laudable an undertaking, and several families, whose characters promise usefulness, have come to a conclusion if proper ways could be opened, to go to Africa, in order to give their aid in promoting the objects already adverted to. Your petitioner, still animated with a sincere desire of making the knowledge he has acquired, and the sacrifices he has already made, more permanently useful in promoting the civilization of Africa, solicits your aid so far as to grant permission that a vessel may be employed (if liberty can also be obtained from the British Government) between this country and Sierra Leone, to transport such persons and families as may be inclined to go, as also, some articles of provision, together with implements of husbandry, and machinery for some mechanic arts, and to bring back such of the native productions of that country as may be wanted.

For although pecuniary profit does not enter into calculation in the object in contemplation, nor does it afford any very promising prospects, yet, without a little aid from the trifling commerce of that country, the expense would fall too heavy on your petitioner, and those of his friends who feel disposed to patronize the undertaking. Your petitioner therefore craves the attention of Congress to a concern which appears to him very important to a portion of his fellow creatures, who have been long excluded from the common advantages of civilized life, and prays that they will afford him and his friends such aid as they in their wisdom may think best.

With much respect, I am your assured friend,

PAUL CUFFEE.

Westport, 6th month, 1813.

Claim of Rebecca Hodgson—Burning of the War Office.

Mr. ARCHER, from the Committee of Claims, made a report on the petition of Rebecca Hodgson, which was read, and committed to a Committee of the Whole on Monday next.

The report is as follows :

That by virtue of a lease dated on the 14th day of August, 1800, the house of a certain Joseph Hodgson, in the city of Washington, was let to Samuel Dexter, the then Secretary of War, for the term of eight months; in which lease the said Dexter covenanted, for himself and his successors, to keep the said premises in good and sufficient repair, ordinary decay and inevitable casualty excepted; and the same so kept in repair at the expiration of the term to deliver up to the said Hodgson: That, in pursuance of the lease, Mr. Dexter took possession, in the name of the United States, of the building and premises, and occupied the same as a public office: That, on the evening of the 8th day of November,

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1800, a fire communicated itself to the house, by which it was destroyed: That, after the expiration of the term for which the house had been leased, Joseph Hodgson instituted a suit against Samuel Dexter for an alleged breach of the covenant contained in the lease, in not delivering up the premises in good and sufficient repair. But the Supreme Court of the United States, at February term, 1803, gave judgment against the plaintiff, on the ground, that as Dexter was a public agent of the Government, he was not responsible in his personal and individual capacity. The court, however, in their decision in this case, gave no opinion on the liability of the United States.

The present petitioner is the legal representative of Joseph Hodgson, and claims of the Government damages equal to the value of the house, in consequence of its destruction by fire.

In determining on the legality of the petitioner's claims, it becomes necessary to examine the signification and true construction of the words "inevitable casualty," and to ascertain whether the destruction of this house took place by such an inevitable casualty as exonerates the lessee from the operation of the covenant, for a breach of which damages to the lessor would necessarily result. The acts of God, which may be defined to be such occurrences as could not happen by the intervention of man, as storms, lightnings, earthquakes, and tempests, are very properly denominated inevitable casualties. But the expression cannot be confined to those accidents alone which human efforts cannot control; for it has been applied by eminent authority to those occurrences which may be checked or subdued by the exertion of man. Lord Mansfield, the uniform correctness of whose administration of civil jurisprudence has been often enlogized, considers a fire which originates without negligence or design, as an inevitable accident; and Sir William Jones, whose style is universally admired for its purity and precision, in different passages in his elementary treatise on bailment, calls a fire happening under the same circumstances of accident, an inevitable accident, and an inevitable mischance. By these two distinguished jurists, a fire happening without negligence or design, is considered as an inevitable casualty equally with storms, lightning, or tempests. The true definition, then, of the term "inevitable casualty," may be taken to be such an accident as cannot be avoided by ordinary care and diligence.

The next inquiry which presents itself for consideration is, whether the fire by which the house of Hodgson was destroyed, took place by negligence, accident, or design. In making their determination upon this subject, your committee conceived themselves bound to examine, not only the evidence adduced by the petitioner, but other testimony, which, from an examination of the journal of the House, they found to be in existence, and to be applicable to the case. On the 10th of February, 1801, a committee was appointed to investigate the causes of the late fires in the War and Treasury Departments, who, on the 28th of the same month, reported to the House a variety of depositions which they had taken in relation to the subject of their inquiry. From all of which there results a strong probability that the fire in the War Department (Hodgson's house) was communicated from the fire-place of the adjoining building, and that there is no evidence whatever on which to found a suspicion of its having originated from negligence or design. If, then, the view which

your committee have taken on that clause in the lease which bears upon the present claim, and the conclusion which is drawn from the testimony, be correct, it necessarily follows that the petitioner can have no claim against the United States for compensation or damages, until other evidence shall be adduced, which, by outweighing that already in existence, shall prove the destruction of the house to have been produced by negligence or design. Your committee, therefore, conclude with submitting the following resolution:

Resolved, That the petition of Rebecca Hodgson, administratrix of Joseph Hodgson, ought not to be granted.

Post Office Patronage.

Mr. INGERSOLL, of Pennsylvania, said he rose to submit a resolution, which he trusted would be generally acceptable; because it was intended, and he believed calculated, to correct one of the most unwarrantable abuses that pervades and violates the principles of the Federal Constitution. I mean, said Mr. I., a resolution for inquiring into the expediency of so amending the laws now in force for the regulation of the General Post Office Establishment as shall render appointments under that establishment more conformable than they are at present to the provisions existing for other appointments under the Government. It has always been an objection urged by many respectable individuals against the Constitution of the United States, from the time of its adoption down to this moment, that the Executive Chief Magistrate is entrenched behind too formidable a barrier of patronage and influence. Yet that officer can make hardly an appointment without submitting the nomination to an ordeal in the Senate; an ordeal well known to be of the most trying kind—for very recently it would occur to everybody that, after being tested in the Senatorial crucible, some distinguished individuals not answering the assay, had been rejected as found wanting and thrown back upon the President. The War Department cannot make an officer, from a major general to a cornet, without the intervention of the Senate. Nor can the Navy Department. Within a few years an honorable member, now in his place in the Senate, had, very meritoriously, introduced and carried into operation a provision for depriving the Secretary of the Navy of the privilege of appointing pursers at his will without the necessity of a Senatorial supervision.

If, then, sir, said Mr. I., neither the President nor any one of the Executive Secretaries enjoys such a field of irresponsible patronage, I submit it to every man attached to the principles of the constitution, to consider whether the head of the General Post Office should be allowed, without control, without appeal, without question, to command the services of a band of agents consisting, unless I am incorrectly informed, of not less than three thousand individuals, distributed throughout the territories of this extensive continent. Though rotation in office is not a principle embodied in the constitution, yet it is well known to be held so sacred by many that certain

eminent personages had deemed it becoming them to afford it all the illustration in their power, by consecrating it in practice and example. Now, sir, it is not the least alarming feature of the abuse I complain of, that the gentleman at this time presiding over the General Post Office Establishment has remained at that post during a long period of years—I cannot say exactly how long, but I believe during nearly four several Presidential terms of office—during all of which period the number of his subalterns has been increasing, until they have reached three thousand persons, who, under another head of this department and another order of things, might be planted as the worst of emissaries, for the worst of purposes, over the United States of America. I am not now prepared to say, and I desire it to be distinctly understood that I do not mean to say, that this great trust has been abused in practice by the present Postmaster General;* though I cannot deny myself leave to remark, that if no abuses have taken place, it is a proof that that gentleman is a purer one than I ever knew, or heard, or read of. This patronage extends not merely to the uncontrolled appointment of inferior deputies. He has, moreover, within his gift places which, in that particular unfortunately too seductive, that is, in point of emolument, are better worth having than any one of the honorable stations occupied by the Secretaries immediately about the person, and in the Cabinet of the Executive. While therefore I disown any view to implicate the General Post Office in culpability at present, I cannot help apprehending that other masters and other times may come, when honorable Senators or other elevated men may be diverted, perverted possibly, from their duties, by hopes allowed to be entertained that a Postmaster may be prevailed on to translate them from their public places to others of less dignity but more emolument. It does appear to me that unless some remedy be applied to this evil, and that without delay, we are in danger of a new order of Jesuits in this country, with an unlimited General at their head, to dictate his orders, and enforce them, under all the pains and penalties of removal from their deputations. All that I require is, that the Post Office Establishment should be put on the footing of all the other departments of the General Government; that this should be done as soon as possible, and that an effectual remedy should be applied to this great and dangerous evil. With these views, and the object which he had avowed, Mr. I. offered the following resolution :

Resolved, That a committee be appointed to inquire into the expediency of revising the laws regulating the General Post Office Establishment of the United States, and of so amending them as to render them more conformable than they are at present to the principles of the constitution, as regards appointments to office under that establishment.

* Gideon Granger, Esq.

The vote on the resolution was as follows—for the motion 78, against it 53.

So the resolution was passed, and a committee ordered to be appointed. Mr. INGERSOLL, Mr. BARNETT, Mr. ROANE, Mr. HUMPHREYS, and Mr. SHIPARD, were appointed the committee.

MONDAY, January 10.

Another member, to wit, from Massachusetts, WILLIAM M. RICHARDSON, appeared and took his seat.

National Bank.

Mr. EPPES, from the Committee of Ways and Means, made a report on the petition of sundry inhabitants of the city of New York; which was read, and referred to the Committee of the Whole on the state of the Union.—The report is as follows :

That the power to create corporations within the Territorial limits of the States, without the consent of the States, is neither one of the powers delegated by the Constitution of the United States, nor essentially necessary for carrying into effect any delegated power.

Duties on Licenses.

Mr. EPPES, from the Committee of Ways and Means, made a report on the resolution instructing them to inquire into the expediency of amending the first section of the act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise; which was read, and committed to a Committee of the Whole on Thursday next. The report is as follows :

“ That, in many parts of the United States, where the population is dispersed over an extensive country, and but few retail stores established, the provisions of the law, as it now stands, will subject to inconvenience those who purchase spirit in less quantities than five gallons. For the accommodation of the great mass of the community, however, the privilege to sell in quantities not less than five gallons will be sufficient, and will also enable the small distiller to dispose of the spirit he has been accustomed to sell in his immediate neighborhood, without paying a retail license. The tax on stills must ultimately fall, not on the distiller, but on the consumer. It does not appear, therefore, that the payment of this tax, in the first instance, ought to exempt the distiller from the retail tax, where, from any peculiarity of situation, with a view to profit, he may add the occupation of retailer to that of distiller. Fearful that the proposed amendment might tend to introduce frauds, and diminish the revenue, and considering it impolitic to recommend any change which may narrow our resources at the present time, the committee consider it more safe to leave the law as it now stands, and to apply in future a remedy, if experience shall pronounce against its provisions. They, therefore, submit the following resolution.

“ *Resolved*, That it is inexpedient, at the present time, to authorize the sale, without license, of spirits, in less quantities than five gallons, at the place where the same shall have been distilled.”

Punishment of Treason.

Mr. WRIGHT, after some observations, moved the following resolution :

“ *Resolved*, That a Committee of the whole House

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be instructed to inquire into the expediency of extending the 2d section of the act for the establishment of rules and articles for the government of the armies of the United States, relative to spies, to the citizens of the United States."

Mr. STROCKTON hoped that the House would not sanction the resolution so far as to deliberate upon it. The principle contained in it, said Mr. S., is so monstrous that I do hope no reference will be made of it. The amount of it is simply this, whether the citizens of the United States, who are entitled to all the benefits and privileges of the constitution, are to be placed under the jurisdiction of a court martial, and subject to military law. This appears to me a monstrous principle, without the least necessity for its exercise. Whence, sir, is the necessity of subjecting our citizens to martial law? If any citizen is found aiding and assisting the enemy, in the language of the constitution adhering to the enemy, giving them aid and comfort, he is guilty of treason, and can be tried for the same in our courts of justice, where he will be entitled to the inestimable privilege of a trial by a jury of his country. This resolution strikes at the fundamental principles of liberty. It strikes at that great bulwark of the citizen, the trial by jury, and I do hope that this House will not even so far sanction such a resolution as to deliberate upon it. I do not come here, sir, to defend spies, and I hope I shall not be charged with being the defender of any violators of the laws of my country. I am the defender of the rights and liberties of the people of these United States, and by the help of God I will defend them while I have a seat on this floor. This resolution goes to subvert every principle of civil liberty, to place the citizens under the ban of martial law, to prostrate courts of justice and the trial by jury, which is guaranteed by the constitution, and I hope the House will not so far sanction it as to refer it to any committee.

Mr. YANCEY moved that the resolution lie on the table.—*Lost.*

Mr. TROUP observed that he thought the present subject as worthy of being referred to the Committee on Military Affairs as some others which had been referred. He had understood that there were a number of cases which occurred in which citizens of the United States had given information to the enemy. He mentioned a case where he understood the only good spring used by the American army had been poisoned twice, no doubt by some person who had been lurking about the camp.

Mr. MACOON said that this question appeared to him one that could be better settled by referring the subject to a Committee of the whole House, than by a reference to any other committee, because, let the latter make any report, it must finally be settled in a Committee of the Whole. If it is now referred to a Committee of the Whole, the question will be settled at once. The question to be decided was, whether a civil or military law should prevail. This was the real question, and it could be better settled by a

reference to a Committee of the whole House, than by a reference to the Committee on Military Affairs; he would, therefore, suggest to the mover the propriety of so modifying it.

Mr. WRIGHT agreed to modify the resolution so as to instruct the Committee of the whole House to inquire into the subject.

Mr. STROCKTON said he was more opposed to a reference of the resolution to a Committee of the Whole, than he was to a reference to the Committee on Military Affairs, because, if they referred it to a Committee of the whole House, it would be an acknowledgment that the resolution was worthy to be debated. It has, said Mr. S., been well observed by the honorable gentleman from North Carolina, (Mr. MACOON,) that there is but one question to decide on in this resolution, that is, whether civil or military law is to be the law of the land. Upon such a question I hope, that, as the representatives of freemen, we shall decide without hesitation, that we will not debate or deliberate on the subject. I again repeat, there is no necessity for this resolution. The Constitution of the United States—that ark of our safety—has defined treason, and whoever is guilty can be tried by a jury, and be punished according to the laws of the land. Every case mentioned by the gentleman from Georgia (Mr. TROUP) amounts to treason if the facts be as stated, because they came within the provision of the constitution, which declares treason to consist in adhering to our enemies, giving them aid and comfort. The law of treason in this country has been settled by various decisions, and there is no doubt that giving intelligence to the enemy is treason. If any of the circumstances mentioned by the gentleman from Georgia are correct, why have not the persons been tried for their offences? There is then no necessity to deliberate on this resolution, and I hope it will not be referred.

Mr. GROSVENOR did suppose that Congress never would seriously take into consideration any subject, the passage of which would be a violation of the constitution. If, said Mr. G., we advert to the constitution, we there find treason defined to consist in levying war against the United States, or in adhering to their enemies, giving them aid and comfort; and, by an amendment to the constitution, it is declared that no person shall be held to answer for a capital or other infamous crime, except by a presentment by a grand jury, except the military or militia in the actual service of the United States. If Congress can provide for the punishment of the cases mentioned by military law, they can do so by the civil law. And, sir, without the least necessity, will we put our citizens under martial law? Shall we expose our citizens to military punishment, and deprive them of the right of the trial by jury? But will gentlemen reflect that this resolution is in direct opposition to the constitution? What, sir, are we told by the mover? That the constitution requires in the case of treason two witnesses to the overt act, in order to convict the accused,

but that a spy might be tried by martial law and convicted on the testimony of one witness. What, sir, is this but evading the provisions of the constitution? Treason is defined by the constitution to be adhering to our enemies, giving them aid and comfort, and two witnesses are required. But call it by another name, although the crime is treason, and try the accused by martial law, and but one witness is required. What is this, sir, but a violation of the letter and spirit of the constitution? Again, sir, no citizen can be tried by martial law except those belonging to the military or militia in actual service, every other citizen is entitled by the constitution to the inestimable privilege of a trial by a jury. Congress possesses no power to pass a law in conformity to the resolution, and I wish gentlemen, if they can, to explain the provisions of the constitution, which I have read, and show where exists the power. If they have no power, why refer the subject to a committee, or why deliberate on it? There can be no doubt but that a spy found in our camps is guilty of treason, for he is thereby adhering to the enemy, and you cannot by calling the offence by any other name, prevent him from having the benefit of a jury trial, or convict him on the testimony of one witness.

Mr. MACON said that he was in favor of the reference, because he thought it an important question, and was willing to have it discussed. He was at present against the resolution, but he thought it a matter of courtesy to give gentlemen an opportunity when they wished to discuss any question. He was for granting that indulgence to others which he should wish granted to himself. The gentleman from New York had spoken of this resolution as a violation of the constitution, but it would be recollected, that it was not the reference which violates the constitution, but the passage of the law; and even if an unconstitutional law were passed, we had judges who no doubt would declare it null and void. The judges had once declared a law unconstitutional and void, and he trusted they would do so again whenever unconstitutional laws were passed.

Mr. WEBSTER said, that if the proposition were to consider whether it was necessary to provide additional legal punishments for any description of offences, he should see no objection to the reference of the subject to a committee. If illegal intercourse existed with the enemy, he should go as far as any one in applying constitutional remedies to that evil. But this resolution proposes, in effect, to consider whether it is not expedient to try accusations for treason before military instead of civil tribunals. However glaring may be the idea, yet such is in truth the real nature of the proposition. It is to change the forum for the trial of treason. The mover of the resolution, and the gentleman from the State of Georgia, (Mr. TROUP,) have not left any doubt on this subject. They have alluded to cases which they suppose the resolutions to embrace, and for which they deem it necessary

to provide military punishment. But what is the nature of those cases? Are they not cases of treason? It is said information has been communicated to the enemy, very material to him, respecting the operations of our own forces, by citizens of the United States. Signals are said to have been made for this purpose on the St. Lawrence and elsewhere. Do gentlemen suppose that the act of communicating to the enemy important intelligence, whether by signals or otherwise, whereby he is the better able to defend himself, or attack his adversary, is not treason? Is not this giving to the enemy aid and comfort? May it not be in many cases the most important service which can be rendered him? Certainly, sir, all such offences as gentlemen have mentioned are provided for by law, and adequate penalties annexed to the commission. The simple question before us is, whether we will consider the propriety of taking the power of trying for these offences from the courts of law, where the constitution has placed it, and confer it on the military. Sir, the proposition strikes me as monstrous. I cannot consent to entertain the consideration of it even for a moment. It goes to destroy the plainest constitutional provisions. If it should prevail, I should not hesitate to pronounce it a most enormous stride of usurpation. Nothing, in any Government called a free one, even in the worst of times, has exceeded it. I am utterly shocked at the arguments offered in favor of it. When the mover was asked why, in the cases he mentioned, the offenders could not be punished for treasonable practices, I understood him to answer, that on trials for treason in the courts of law, the testimony of two witnesses is required; but if the trial could be transferred to a military tribunal, the two witnesses could be dispensed with. Are we now gravely to consider upon a proposition, of which this is among the professed objects? The gentleman from Georgia (Mr. TROUP) observed, that when persons had been apprehended for offences, they had been rescued by *habeas corpus*, issued by the civil magistrate. And are we to deliberate whether it be not proper for us to prevent the delivery of the citizens of this country from illegal arrests and imprisonment by the interposition of their great constitutional remedy, their writ of *habeas corpus*? The constitution contains no provision more valuable; it makes no injunction more direct and imperative than those respecting trials for treason, and the benefits of the *habeas corpus*. Treason is not left to be defined, even by the highest courts of law. It was foreseen that, in times of commotion, victims might be sacrificed to constructive treason; that doctrine which, in other places and other times, has shed so much innocent blood, and which brought Algernon Sydney to the scaffold. The constitution, therefore, defines treason, and prescribes the mode of proof. But what is there in the worst cases of construction of treason that can be compared, in point of enormity, to the proposition now be-

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fore us? This is not to give a latitude of construction to the judge; it is to take the cause away from the judge, and carry it to the camp. Instead of indictment, arraignment, and trial, it proposes the summary process of martial law. If the proposition should pass into a law, it takes away the constitutional definition of the offence; it takes away the prescribed mode of proof; it takes away the trial by jury; it takes away the civil tribunal, and establishes the military. On a resolution of this sort, I cannot believe the House will consent to deliberate.

The question was then taken by yeas and nays, and determined in the affirmative—yeas 86, nays 77.

On motion of Mr. WRIGHT, the resolution was made the order of the day for Friday next.

Relations with France.

Mr. HANSON withdrew his resolutions submitted by him on the 28th ultimo, and submitted the following in lieu thereof:

1. *Resolved*, That the President of the United States be, and he is hereby, requested to communicate to this House any information in his possession, and which it may not be improper to divulge, in relation to the omission or refusal of the French Government to accredit the Minister Plenipotentiary sent by the United States to that Court, or of his reception, if accredited; of the time when he was so accredited, and of the progress of his negotiation.

2. *Resolved*, That a committee be appointed to inquire whether Mr. Turreau, late Minister of France, did or did not, on or about the 14th of June, 1809, write a letter to the Secretary of State, setting forth the terms and conditions upon which his Government would treat of amity and commerce with the United States, and urging certain complaints against this Government, and requiring certain political sacrifices to be made as an indispensable pre-requisite to the formation of such a treaty, and whether the said letter was not withdrawn from the archives of the Department of State, and how and when it was so withdrawn; and that the said committee have power to send for persons and papers.

And, on the question that the House do now proceed to consider the said resolutions, it passed in the affirmative—yeas 90, nays 69.

TUESDAY, January 11.

Relations with France.

The House resumed the consideration of the two resolutions yesterday submitted by Mr. HANSON. A division of the question having been required, the question was first stated on the following resolution:

Resolved, That the President of the United States be, and he is hereby, requested to communicate to this House any information in his possession, and which it may not be improper to divulge, in relation to the omission or refusal of the French Government to accredit the Minister Plenipotentiary sent by the United States to that Court, or of his reception, if accredited; of the time when he was so accredited, and of the progress of his negotiation.

Mr. CALHOUN, of South Carolina, said that his object in yesterday calling for a division of the question, was to separate this from that which was connected with it. To this resolution he could see no objection; it was drawn up in respectful language and in the usual form. It asked for information in a proper manner, and he hoped the House would not refuse it.

The question was taken on this resolution, and decided in the affirmative, without a division.

The question was then stated on the second resolution in the following words:

Resolved, That a committee be appointed to inquire whether Mr. Turreau, late Minister of France, did or did not, on or about the 14th of June, 1809, write a letter to the Secretary of State, setting forth the terms and conditions upon which his Government would treat of amity and commerce with the United States, and urging certain complaints against this Government, and requiring certain political sacrifices to be made as an indispensable pre-requisite to the formation of such a treaty, and whether the said letter was not withdrawn from the archives of the Department of State, and how and when it was so withdrawn; and that the said committee have power to send for persons and papers.

Mr. CALHOUN said it was a good rule generally in cases of this kind that inquiry be granted, where it is moved in a proper manner. On such motions a very great liberality had usually prevailed in this House, which had been displayed in the vote just taken. But as to the particular resolution before us, it is of that class which ought not to be passed in the present stage of its existence. To induce the House to pass this resolution, there ought to be three things stated. He need not suggest that this inquiry was of an unprecedented character, and varying from all usual calls on the Executive for information. To warrant the adoption, a specific object ought to be first stated: secondly, what was expected to grow out of it; and thirdly, that the object was of a character to warrant the investigation. Such inquiries as that now proposed, without these three pre-requisites, would, he conceived, violate the spirit of the constitution. By that instrument, diplomacy was confided wholly to the Executive. This House had indeed the power to require information, but it was through the Executive Department that it ought to be sought for, and not through inquisitorial committees of this House, or on such vague statements as had been made. The unofficial mode of inquiry now proposed was a departure from the legitimate province of this body, to which he hoped the House would not accede.

Mr. HANSON, of Maryland, said he had flattered himself, when he had the honor to make a statement a few days ago on this subject to the House, that his object would be distinctly understood. As to the proceeding which this House in its wisdom might think proper to ground on this resolution, it was not for him to dictate. Certain it was, that if any high

and responsible officer had done any act for which he was amenable to the constitutional authority, it was the duty of this House to lay the foundation to an inquiry. The statement which he had made, was of itself, he conceived, sufficient foundation for the House to proceed upon. He entertained no wish on his part to examine the Department of State, as the gentlemen appeared to suppose, or any officer of the Government, in relation to the object of the inquiry; on the contrary he pledged himself to be able to prove the statement he then made, without resorting to any department of the Government. He denied in toto the principle laid down by the gentleman from South Carolina on the subject of the grounds necessary to authorize inquiry. Do we not know, said he, that it is the practice in this House, as well as in the British Parliament, that information given by any member rising in his place may be made the foundation of an inquiry? The gentleman had said, Mr. H. observed, that a committee ought not to be appointed on this matter; that an inquiry ought not to be granted in the present state of vague information. Now, Mr. H. said, the information given had been as precise and explicit as could be. It had been stated in this House, that a letter of a most insulting nature, requiring of this Government the most degrading political sacrifices, a letter striking at the honor of the Government, had been transmitted by the French Minister to the Secretary of State, and placed on the files of that Department. And what constituted the files of that office? he asked. If such a letter had been transmitted to the Department of State, and suffered to remain in that office, was it not on the files of the Department? was it necessary that it should be recorded, to constitute its admission? It had remained in the office sufficiently long to give it an official character. What was the nature of this document? As far back as the year 1809—and gentlemen would recollect the state of our foreign relations at that time; when a Minister coming from England with full powers to negotiate a treaty of amity and commerce was momentarily expected—the French Minister addresses to this Government a letter, to be held as a rod *in terrorem* if we presumed to negotiate with Britain. This letter set forth certain pretended grievances, and required particular political sacrifices of our Government, on the presumption that it was going to make a treaty with Great Britain. It appeared from that letter, Mr. H. said, that France set forth certain disgraceful and dishonorable conditions on which alone it would remain at amity with this Government. Now, call this document public or private, the question was: had it been received by our Government? The views and feelings of the French Government had been spread on paper, and could be as well known through a private as through a public document. As to the objection stated on a former occasion, the letter was a private letter,

addressed to the gentleman who held the office of Secretary of State, but not in his official capacity. Mr. H. said that this objection was perfectly frivolous. The letter was addressed to Robert Smith, Esq., as Secretary of State; it treated of nothing but public business, and the Minister said he felt himself thus called upon to explain to the American the views of the French Government. Not to go fully into the subject at this time, but merely to show that this House was already possessed of sufficient information to act on this subject, it was enough to say that a document of immense importance to the nation had been concealed and suppressed from public view; that whilst we have gone on to consider France as a friendly power, yet, as far back as 1809, our Government perfectly well knew that it had nothing to expect from the justice of France. And, after having made those political sacrifices, one after another, and thus done every thing required of us by this tool of a despot, what had we received in return? Had there been any restoration of the millions on millions of property stolen from us, or did the House know to this day, even, that our Minister had been accredited at the French Court? It was of the utmost importance, Mr. H. said, that such matters should be inquired into. It was a radical principle of our Government that information should be as widely as possible diffused among the people; that they should not be kept in a situation of delusion; that they should not be hoodwinked and blinded to the real state of our affairs with foreign nations—and it could not be denied that an impenetrable veil had heretofore been spread over our relations with France. Was it not of importance to this House and to the nation to know in what manner we had been involved in a war, which one-half of this community knew to be unjust and unnecessary, and felt to be oppressive? At the period when this letter was transmitted, this House at least had pledged itself to a system of neutrality. Gentlemen on the Committee of Foreign Relations at that day might be able to say why it was, after taking a stand on the report of their committee, they were induced to change their neutral ground. But why call on the Executive, as was suggested, for this information, when the very foundation of the inquiry was, that the President had done an act this House ought to inquire into; and for which, if satisfied of his guilt, the President ought to be proceeded against? Gentlemen may smile, said Mr. H., but if the document which I produced yesterday (Mr. Graham's translation of the letter) is substantiated, and all the facts said to be connected with it are proved, then I say that a high misdemeanor has been committed. Let me ask gentlemen, if in the days of Adams's Administration a letter of this description had been written by Mr. Liston or any other foreign Minister to our Government, and it had been concealed from public view, and the people had never heard of it till it had been drag-

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ged forth like this letter, what would gentlemen have said? Sir, said Mr. H., I want an opportunity to prove facts; and, if gentlemen then pronounce a verdict of acquittance, let them do so. But do not suppress an inquiry; do not, by smothering investigation, attempt to give impunity to such conduct. Gentlemen appeared to him, Mr. H. said, to take offence, as if they had a fee simple in the Government, or a lease of power for ninety-nine years, renewable forever, whenever any investigation was proposed which struck at the character of the Executive. They must expect, said he, and if they do not they ought, that we shall use every fair and honorable means to oust them from the possession of power, which we feel they have abused. This House has pledged itself to the people, by implication, that this subject shall be investigated; and let me ask them, what will be the impression if this motion be rejected? As to the impression I wish to produce, sir, the rejection of this motion will be tantamount to a positive proof of all that I have alleged.

Mr. CALHOUN said he now hoped the House would refuse the inquiry proposed. He had asked for a specification of the object, and had received none. He asked for practical consequences to result from it, and had received none. Mr. C. pronounced the resolution extraordinary in its character, and unprecedented in its form. The resolution went to break into the Executive offices, to call *ex parte* witnesses before the House; for what purpose? For the highest purpose in the power of the House? No; for a mere inquisitorial and vexatious procedure, which is, as no such purpose is avowed, to lay no foundation for impeachment, the only object which would justify the application of such means. Suppose it were proved that this letter was in fact written by General Turreau, and that all the other circumstances relating to it were true, which for himself he did not credit, what did it prove? Merely that an impertinent letter had been written by a foreign Minister. Did the Executive sanction it? No. What view the Executive ought to take of such a letter, or how to treat it, depended on a variety of circumstances on which this House had not the means to form any opinion. Mr. C. said he hoped this House would not grant what was in his view a direct violation of the spirit of the constitution. He went on and adverted to the nice sensibility displayed by the whole phalanx of the other side of the House, yesterday, on a mere proposal for inquiry into the constitutional power of Congress to punish spies. Mr. C. said he had thought, for his part, we had the constitutional power to inquire into that subject. He hoped on this occasion to see gentlemen consistent, and exhibit the same commendable zeal as on yesterday, and join with him to secure the constitution against an invasion of its spirit. Mr. C. expatiated on the vexatious nature of inquiries of this description, tending to no practical result, &c. As to all the insinuations of

French influence, and the vague declamation which the House had heard, he did not deem fit subjects of inquiry, or of so much importance as to constitute ground on which to put the Chief Magistrate under a committee of this House. Mr. O. repeated the three requisites he had before stated as necessary to justify this inquiry. If gentlemen could show that a crime had been committed by the Executive of such a character as to make him amenable to the constitutional authority of this body, then, and not till then, would he consent to an inquiry which was equally a novelty in this House and in the history of legislation.

Mr. GASTON, of North Carolina, said the gentleman last up did no more than justice to the motives of those with whom he acted, in supposing they would oppose the resolution if he could establish the doctrine that its adoption would involve a violation of the constitution. But he could not agree with him on that point. The gentleman from Maryland had recommended to the adoption of the House a resolution having for its object the attainment of a document which must be allowed to be of considerable importance; a document stating the conditions on which alone we could retain the amity of France, and in which the views of that Government were declared. If this document were indeed in possession of the Executive, the House might with great propriety apply to him to lay it before them, to afford them the information necessary to their correct decision on our foreign affairs. But we know, said Mr. G., if any credit is to be given to the information which the gentleman from Maryland has received and believes to be true, that there is no vestige of this document in the possession of the Government. If this information, said to exist, be of importance in our future legislative proceedings, how are we to come at it? Only by the mode designated in the resolution. And would it be denied that this document ought to have an important influence in the deliberations of the House? It was not expected, he said he hoped, that this session was to pass over without Congress coming to some conclusion in respect to our relations with France. If, by the verification of this document, it could be ascertained that the relations of amity were not to be maintained with that nation but by the sacrifice of great political rights, or by an accession to the maritime confederacy, conditions which he presumed this people was not prepared to accept, all hopes of an accommodation with that country must be at an end—for no man who possesses an honorable feeling would consent to such amity on such conditions. There was no other way in which the House could obtain the requisite information but by raising this committee. Mr. G. explained the difference between such an inquiry as this, and one directed to the Executive. The opposition to the resolution, he conceived, proceeded from an over-sensitive delicacy on the part of the majority in respect to the Executive. The information he considered important

in respect to the legislative proceedings of the House—and he believed the mode proposed the only one in which it could be obtained.

Mr. ROBERTS, of Pennsylvania, said it was the right of this House, and of each of its members, to move an inquiry on the subjects relating to their constitutional functions, and it was sufficient to justify it that common fame warranted it. Of this right it was more usual for a minority than a majority to avail themselves; but whether a call by them for information was proper, expedient, or necessary, it was for the majority to determine. As to the conduct of the Executive, no call upon it could be made which this House ought to feel any hesitation in granting. Mr. R. therefore disclaimed, in offering his objections to the resolution, any intention to shield the Executive. But he meant to exercise his right, as a member of this House, to judge of the expediency of the course proposed. The gentleman who moved the resolution, had looked around and said, gentlemen might smile, but that should not deter him from his course. Mr. R. said he might retort, that gentlemen might frown, and use great vehemence of language, but they could not swell into importance what was merely the breath of common fame, and rested on no better than newspaper evidence. The gentleman, in substituting the motion under consideration, for that first moved, had assigned delicacy towards the Executive as his motive. There was no need of it, Mr. R. said; if called on, the Executive would freely have given him all the information he could have asked for—which he had acknowledged he expected thus to attain. But now the principle of the motion was changed, and a committee was to be raised to send for persons and papers, to any extent, at the option of the committee. If they could show ground to believe the conduct of the President to be criminal, Mr. R. said he had no objection to the inquiry. But if such was the object, why not openly and fairly march up to it? The gentleman from Maryland, however, had not been content with the strongest insinuations that the conduct of the Executive had been criminal, but had avowed his determination to drive the men now in office from that power which he says they have abused. If such were his object, the most direct way would be at once to disqualify them by impeachment. It had not been very long since, at a former session, the gentleman himself had alleged a delay to have existed on the part of the Government to accept the mediation of Russia; now common fame, who was the gentleman's authority on that occasion, reports that the President invited Mr. Daschkoff, without authority from his Government, to offer the mediation. If the gentleman was then so far mistaken in allegations equally positive with those now made, it was not unlikely that he was as much in error on this occasion. Be that as it might, the fact of this letter having been written had nothing to do with our present relations

with France. The letter being declared inadmissible, the withdrawal of the obnoxious paper was a disavowal of it. If addressed to the Government, on the statement of gentlemen themselves, reparation was made for the wrong done by withdrawing the offensive letter. Mr. R. viewed this motion; he said, in connection with other things, as intended as a bugbear, to drive men from power, which the gentleman says they abuse. We have had much prediction, and much angury, said Mr. R., on the subject of the popular feeling. Gentlemen have told us the people are not with us, and now we are informed one-half the people are against us. What is the fact, sir? Have we not had elections in all the States recently; and do they prove any indisposition on the part of the people to support the war? On the contrary, notwithstanding every obstacle has been opposed to the measures of the Government, and not a few disasters have occurred, the popularity of the war increases. In order to abridge debate, which he believed would be the effect of the motion, Mr. R. moved to amend it so as to change it to call on the Executive for the information proposed to be obtained through a committee.

Mr. BAYLY, of Virginia, assigned the reasons why he should vote to amend the resolution as proposed by Mr. ROBERTS; because, as it stood, the resolution implied a strong censure on the Executive, to whom at least so much respect was due from this branch of the Government as to inquire what he had to say on the subject in question before they raised a committee to inquire into his conduct.

Mr. OAKLEY said, among other things, that this House ought never to call on any department for the cause of the failure of its own measures—which principle he assigned as a motive for having voted a few days ago against the inquiry into the causes of the failure of our arms, and as a reason why he was opposed to the motion, as originally proposed some days ago, of his friend from Maryland, (Mr. HANSON.) A sufficient specification had been given, he contended, as cause for this motion, in the statement of facts made by Mr. HANSON, which Mr. O. briefly repeated. If these facts were established, they proved, he said, on our Government the charge of subservency to the views and influence of the French Government. If the facts were fully established, the most condign punishment ought to await those implicated in the accusation. The practical result then of successful inquiry would be to prove the Executive to have been guilty of a high crime or misdemeanor, and subject to impeachment. As to the form, if information were merely wanted as the foundation of legislative acts, it might well be required of the Executive; but when the result of the information was to implicate the Executive officer, it would be futile to call on him for it.

Mr. ALSTON, of North Carolina, followed in opposition to the resolution, partly on the same

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grounds as occupied by others in opposition to it. If every fact alleged were proved, he said, it would prove nothing against the Executive. This subject originated in *ifs* and *wherefore*, and, prosecute any inquiry to the utmost, there it would end. Mr. A. adverted to the sensibility gentlemen yesterday displayed on the proposition to prevent spies, *toryism* if you will, said he, from stalking abroad—and expressed his astonishment at the inconsistency of their conduct to-day on a matter of much more doubtful propriety.

Mr. GROSVENOR, of New York, adverted, somewhat harshly, to what had fallen from Mr. ALSTON on the subject of yesterday's debate, and proceeded to speak in support of the resolution, which he warmly advocated on grounds before occupied, declaring, in substance, that if the facts were proved, the President merited impeachment for concealing them—and appeared to conceive the permission of the withdrawal of the letter to be no less an offence than he considered its concealment to have been; because the same rule extended would sanction the destruction or giving away of any public document at any time, or even of all the papers in the Department of State.

Mr. CALHOUN again rose and took a rapid view of the variety of objects avowed by the supporters of this extraordinary motion, upon which he separately remarked. On the subject of French subserviency, which had been designated as one of the subjects of inquiry, Mr. C. ridiculed the idea of an inquiry by this House into that baseless accusation, and on a document, too, which on the face of it proved, if it were permitted to prove any thing, that no such subserviency existed. The very document by which gentlemen wished to prove a French influence, cut up by the roots the fanciful absurdity—being predicated on the supposed existence of an influence of a very different character. The motion could have no other reasonable or probable object than that avowed by one of its advocates, to put down the majority—and of the weight of such a motive for such a course the House would judge. Mr. C. recapitulated his objections to this measure, and concluded with expressing his hope of a speedy decision, as too much time had been already occupied.

Mr. SHARPE opposed the resolution. He could not, after all the consideration he could give it, view it otherwise than as a position taken by the minority, from behind which to assail, with insinuations and surmises, and attach odium to officers whose characters were impregnable to direct attack. Mr. S. contended, that, supposing all facts stated to be true, the retraction by the French Minister of his letter was a retraction of and apology for the insult it contained—and compared the case to a difference in private life between two gentlemen, in which a retraction of the offence given is always considered reparation of the offence. But how were the facts, he asked? When any gentleman

stated facts of his own knowledge, on the honor of a man, he was bound to believe him; but when he stated facts which he could not know unless he had access to the Office of State—facts which he could not know unless by collateral and indirect means of information, he felt bound to ask of him what those means were? Gentlemen say, such things are facts. If they know them to be so, what more do they desire? If they are not certain of them, why do they state as facts what they do not know to be so? If the facts, as they say, are sufficient ground for further proceeding, why not assert them at once, and boldly predicate proceedings on them forthwith? They will not venture to do it. The honorable mover had told the House the other day that he had in his possession the only authentic copy of the letter, translated in the handwriting of one of the clerks in the Department of State. How came it into the gentleman's possession? How does he know it to be authentic, or to have been translated in that manner? Mr. S. called upon gentlemen to let the House know what they know, and let the House predicate any proceeding thereon it thought proper.

The main question on the adoption of the resolution was taken, at a late hour, and decided as follows:

YEAS.—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Gaston, Geddes, Grosvenor, Hale, Hanson, Hufty, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Macon, Markell, Miller, Moffitt, Mosely, Oakley, Pearson, Pickering, Pitkin, Potter, John Reed, William Reed, Ridgely, Ruggles, Schureman, Sheffield, Sherwood, Shipard, Smith of New York, Stanford, Stockton, Stuart, Sturges, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, Wilcox, Wilson of Massachusetts, and Winter—60.

NAYS.—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Bayly of Virginia, Beall, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Farrow, Fiak of Vermont, Fiak of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hubbard, Humphreys, Ingersoll, Ingham, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Ringgold, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Sharpe, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey—100.

So the resolution was rejected.

WEDNESDAY, January 12.

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Mr. McLEAN, of Ohio, said he hoped the resolution (Mr. ROBERTS') would be adopted, and that wish arose entirely from circumstances which had transpired during the discussion on yesterday. Before the commencement of the session, Mr. McL. said, he had discovered, through the medium of the public prints, this famous letter of M. Turreau. How, or in what manner it had been communicated to the public he did not know; but he considered it a perfectly harmless paper, and one to which no one could ever have supposed any considerable consequence would be given. It was true that it had afforded a subject for newspaper ebullitions, and even in the gazettes of the day, exclusively devoted to the dissemination of correct principles, that letter itself made a conspicuous figure. He had supposed this would have been the end of its existence, and indeed that it had been a favorite of fortune to meet with so much distinction. Judge of my surprise, then, said Mr. McL., when a gentleman in this House arose in his place, and with much gravity said he was about calling for information more important than any other within the Executive reach, the subject of retaliation excepted; and that this information was certain facts relating to Turreau's letter! But it afterwards appeared, Mr. McL. said, that this letter had not yet arrived at the zenith of its consequence; and he was still more surprised than at first when he discovered the same gentleman again to rise in his place, recall his first resolution, and substitute the very extraordinary one which had yesterday been rejected. This letter, it appeared, was to be no other than the stone cut out of the mountain, which comprised the hopes of gentlemen in opposition; which was to smite the image with destruction, and in itself become an exceeding great mountain, and the importance of which it would be presumption to suppose the discussion of yesterday had in any degree checked. Now, Mr. McL. said, not the importance of this subject, but the progress of the debate yesterday, had excited in his mind a curiosity to inquire into its origin, and the circumstances connected with its existence; he therefore hoped the House would consent to the adoption of this motion.

Mr. WEBSTER, of New Hampshire, avowing a wish that, if the inquiry was made, it should be effectual, which he conceived it could not be under the present motion, moved to amend the motion by substituting therefor that which was yesterday rejected, viz:

Strike out from the word "Resolved," to the end thereof, and insert the following:

"That a committee of this House be appointed to inquire into the manner in which, and time when, a paper purporting to be a letter from the French Minister to the Secretary of State, dated on or about the 14th of June, 1809, was withdrawn from the possession of the Department of State, and how it came into the possession of a member of this House; with

powers to send for persons and papers, and that they report the evidence to the House.

Mr. W. said that gentlemen had attempted to diminish the importance of this inquiry, and cast a character of lightness and indifference on the subject. The force of ridicule has been tried, but that weapon must be used by rarer talents, and a more powerful hand than this occasion has called into exercise, before it can affect the intrinsic importance of this subject. If the preservation of national character and national spirit; if the cherishing of manly, independent, and elevated sentiments in the Government and in the country are matters of any moment, then this inquiry is important.

It was not, however, his intention to go into the subject generally, but to confine his remarks to the amendment proposed. The present question is, as to the manner of investigating the business. The resolution proposes an inquiry of the Executive. The amendment proposes to inquire, by a committee of the House, with directions to report the evidence. What are the circumstances which call for inquiry? A member of the House states, in his place, that he has evidence which induces him to believe, that a letter, affrontive and insolent in its object and character, was written by the French Minister to the Department of State; that the Government received that letter, and, instead of repelling the affront with becoming spirit and dignity, undertook to solicit and supplicate the author that he would take it back; that he decisively refused to do so, saying that he had written the letter with great deliberation; that it was registered in the records of the Embassy; that a copy had been despatched to his Government, and that the letter could not be retracted. That afterwards, when certain political purposes were supposed to be answered, this letter, in some way or another, was withdrawn from the office of State, and that no traces of it now remain there. The gentleman even produces the letter, as translated in the office, and offers it to the view of the House. Of the facts here stated, the honorable gentleman declares his readiness to procure evidence, and wishes the House to obtain it, through a committee clothed with proper powers.

The mover of the present resolution, manifesting by his resolution his sense of the importance of some inquiry, speaks with emphasis of the necessity of ascertaining the manner in which this letter was obtained from the Department of State. He speaks of it as a purloined paper. He does not, indeed, intimate that the gentleman from Maryland did not come into possession of it in a manner altogether correct and honorable, but he seems to suppose that it must have escaped from the office of State, originally, in some unjustifiable manner; by improper disclosures of the official secrets, or breach of trust in somebody.

This being the present state of the case, may not every one see the delicacy of a direct inquiry of the Executive? Must not every one, also,

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see the perfect futility of such an inquiry? What answer but one can be expected, when the Executive is asked whether this letter was taken back by the author in consequence of any such request as has been mentioned? Certainly, the House can hardly think of inquiring into such a fact or such a question; nor would it consist with the sense of justice which actuates the House to prepare such an inquiry, for the purpose of giving an opportunity of exculpation by inculpating others. The House ought to adopt a course which shall obtain the whole evidence fully and fairly. We do not need official commentaries and glosses, nor the panacea of an Executive report. It ought to adopt a course that shall bring to its own view an undisguised state of the case, and spread out all the facts, unmixed with opinions. To this end, what course so proper as the appointment of a committee with full powers to collect the evidence and report it? Such inquiry will exclude nothing. Any document, or proof of any kind which the Department can afford, will be received. And if the gentleman from Pennsylvania (Mr. ROBERTS) is serious in his determination to prosecute a thorough inquiry, why not meet the proposition contained in this amendment, which I propose with the assent of my friend from Maryland? Cannot the House trust itself? Does it suspect its own justice? Does it apprehend that any man's reputation might suffer in its hands? If not, on what ground can an inquiry be resisted which is of a nature to lay all the evidence before the House? Such an inquiry is now offered. The gentleman from Maryland has repeatedly assured the House that evidence is ready to be tendered, if the House will authorize its committee to receive it; and that sources will be pointed out, if the House will authorize its committee to explore them. He asserts this upon the responsibility of his character and his station. He calls on the House, having received this information, out of regard to its own character and its own duty, to make an inquiry by its own means, and in strict compliance with its constitutional powers. I know nothing of the facts of the case; but I feel the force of this call, under such a statement, made in this place by an honorable member of the House. If the amendment prevail, the investigation will be something more than nominal. It will be such an inquiry, and such only, as ought to satisfy either the House or the country.

Mr. ROBERTS, in opposing the proposed amendment, took occasion to state more definitely the object of his motion, a duty he conceived he owed to the House. He did not say what were the facts—he did not apply reproachful terms to any member; but as a great deal had been said about common fame, he would state that common fame did report some dishonorable circumstances of the manner in which the paper so often mentioned had been obtained, not from the files of the office of State, where it was not, but from the private

files of a member of the Government. His intention was, as the paper was before the House, to place in its proper light the production of it, and to exhibit in a proper view the conduct of the gentleman who produced it. And he should not rest in his inquiry till he had obtained a complete disclosure of all the circumstances.

Mr. BIGELOW said he did not intend to have made any remarks on the subject before the House, but the strange course which had been pursued, induced him to submit a few observations to their consideration. As he was unprepared, they would necessarily be desultory. In the wide range of debate, gentlemen appeared to have lost sight of the real subject before them. He would attempt to recall their attention. An honorable gentleman from Maryland (Mr. HANSON) some days since offered a resolution, requesting the President to lay before this House information relative to the letter of the late French Minister, Turreau. From evidence which came to his knowledge, after offering that resolution, and before it was acted upon by the House, he is fully satisfied, and states to the House, that a call on the President will be useless. And from the statement he has made, must it not be apparent, that a call on the President will not give us the necessary information? The honorable mover withdraws his first resolution, and offers another, proposing the appointment of a committee of this House to inquire into the facts relating to that letter, with power to send for persons and papers.

This proposition was yesterday rejected by the House, and now, the gentleman from Pennsylvania (Mr. ROBERTS) offers the same resolution, originally introduced by the gentleman from Maryland, (Mr. HANSON,) and which resolution was also rejected yesterday, by a large majority, when offered by the gentleman from Pennsylvania by way of amendment.

Mr. B. said he was in favor of the amendment proposed by the gentleman from New Hampshire, (Mr. WEBSTER,) because he believed it would render the investigation more effectual. A call on the President, from the very nature of the transaction, could not be expected to furnish us with the facts called for by the resolution. But, if a committee is appointed with power to send for persons and papers, as proposed by the amendment, in all probability they will be able to obtain the necessary facts.

Mr. SHIPARD said he was not a little surprised that gentlemen should, with so much zeal, oppose the amendment offered by his honorable friend from New Hampshire, (Mr. WEBSTER,) as that amendment would have facilitated so essentially the avowed object of the honorable mover, (Mr. ROBERTS.)

That gentleman declared, when he introduced the resolution, that his design was to afford an opportunity to gentlemen on this side, to show by what means the official translation of the letter in question was obtained from the public

office. If the honorable gentleman was sincere in this avowal, it seems very extraordinary that he should resist the only proper expedient to produce the wished-for result. For, Mr. Speaker, said Mr. S., this call on the President may, and probably will, fail of the intended object; but the appointment of a committee, clothed with authority to send for persons and papers—to hear proof, search and inquire for the truth, would unquestionably enable the House to arrive at that certainty which cannot reasonably be expected in the way contemplated in the resolution.

Believing this the most effectual and desirable mode of proceeding to obtain the information which is demanded in the resolution before the House, and which, Mr. S. said, he and his friends were very solicitous to obtain, he had in vain cherished the hope, that the resolution introduced by his honorable friend from Maryland, (Mr. HANSON,) which was under consideration yesterday, would have been adopted. Had it been so, the mask would soon have been stripped from the whole transaction, and the truth presented to the House in naked view. Then, sir, might proof be introduced to the committee, drawn from a source unmoved and unbiased by interest.

From the reasoning of gentlemen on my left, said Mr. S., it is very apparent that they wish us to believe the letter of the French Minister, *Turreau*, to be of an indifferent and unoffending character; and, also, if the letter in the commencement of the business was reprehensible, yet, as *Turreau* took it back, he thus atoned for the transgression, and any inquiry into the transaction would now be useless. That gentlemen mean as has been stated cannot be doubted, because no other conclusion can be drawn from what has been said. It has been frequently stated that it was too trifling an object to occupy the time or attention of the House.

After the contemptible character given to a paper esteemed so harmless and inoffensive, it behoves the House to examine it, and then to pronounce whether its true character has been rightly understood. If the copy of the letter published is correct, the original contains more insult and indignity than was ever tamely endured by any Government, save ours, since it pleased Heaven to civilize man. In the rude, contumelious, and dictatorial style, of an unblushing French Minister, it demanded no less than an absolute sacrifice of the liberty of speech, the independence and national sovereignty of the Union, as an offering to appease the resentments of that Minister's master.

The important inquiry then, sir, is first, is this copy a correct one? and secondly, in what manner did your President receive the letter? Did he receive it as it became the Chief Magistrate of a great and free people, jealous of their honor and proud of their standing among nations? Did he solicit the writer to receive it back in the supplicating tone and language of a

whipped menial? Or did he conduct correctly, and spurn it in the teeth of the insulter?

We wish to know the mode of operation; how the affair was managed; we are entitled to know it; and, for that reason, we call on the House to adopt a measure which will promptly and affectually point us to the truth.

It is not intended by these remarks to bestow absolute censure upon your President. Gentlemen on this side condemn not without proof.

Mr. S. said he did not mean then to express an opinion, whether the rumors afloat are true or false; but, if true, he said he was constrained to differ from his colleague over the way, (Mr. FISK,) that the letter, and the manner in which it had been used, was a matter of trifling consideration. For, sir, said Mr. S., if the reports in circulation are true, we ought to declare, with one voice, that the President, and his Ministers concerned, deserve severe reprobation—that they have suffered the character of the nation to be trifled with, and have not sought redress.

Sir, this paper has made a great noise among the people, and they are by no means disposed to consider it a thing of either a harmless or indifferent nature; and they will not be satisfied unless it is passed upon by this House. There may be a sort of dust-licking gentry in the nation, who believe in the infallibility of their ruling partisans, who are at all times prepared to cry hosanna—who may not, for good reasons, ask for information. Such men are not of the kind referred to, but the people of all parties who love their country, its independence, and happiness; and depend upon it, sir, such will never feel willing to pass in silence over the humiliating and degrading conduct of their rulers.

It is said by gentlemen over the way, that the receiving back the letter by Mr. *Turreau*, was necessarily an apology for the insult, if the letter was of a character to be insulting. I cannot believe (said Mr. S.) that an apology is a certain consequence of taking home this offensive letter. A diplomatic agent, in all his official communications, is presumed to speak and act in consonance with, and in obedience to, the directions of his sovereign; this letter, then, was virtually the letter of the French Emperor; bespoke his feelings, and contained his sentiments. Admit, if you please, sir, that the language was hatched by his Minister, the offence consisted less in the language than the odious terms dictated as conditions whereon to bottom the favor of his royal principal.

To confirm the position, that this letter sprang from the instructions of Bonaparte, *Turreau* urges, as a reason why he should not take it back, that it was enrolled in the archives of his Government. Now, sir, admitting, for the sake of argument, that which ought not to be admitted for any other reason, that, between private gentlemen, the receiving back an offensive letter would of course purge the insult, yet

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it remains to be known whether the Emperor has directed it to be unrolled from the archives of his Government.

Sir, said Mr. S., I cannot persuade myself to believe that gentlemen sincerely design to maintain the position—that the indignity which had attached to the American people, by the letter, was peeled off by receiving it back, without any apology, any explanation; whether they do or not, it would be an absurd position. It is the "*quo animo*," which we hear so often over the way, with which the act is done, that must or not constitute an apology. Receiving back the letter in sullen silence would add to the first transgression, as it would be saying, "true I have insulted you, but I have no recantation to offer. The Minister of his Imperial and Royal Majesty condescend to admit he has done wrong!"

Sir, private gentlemen would ask that so gross an insult should be retracted—they would demand an ample confession of the wrong; and shall a Government do less? A Government, too, which, soon after the letter was received, was open-mouthed against the Minister of another power, who, as was said, pointed his language rather too much?

Ought it to be endured that we should be so severely chastised for trifling aberrations from perfect obedience to the Royal Dictator, and demand no other satisfaction than the taking back the rod with which the discipline was performed? Heaven forbid that my country should ever be so sunk and degraded.

Mr. WEBSTER advocated the amendment which he had proposed, at some length.

The question was then taken on his proposed amendment by yeas and nays, and negatived by a majority of 80 or 40 votes.

Mr. GASTON, after expatiating on the value of correct information on the subject of this letter to intelligent legislation on foreign affairs, &c., moved to amend the resolution by striking out from the word "requested," to the end thereof, and insert the following:

"To inform this House whether a letter was transmitted to the Department of State by the Minister of France, addressed to Mr. Robert Smith, Secretary of State, purporting to bear date at Baltimore, June 14, 1809, whereof the following is a translation:

"SIR: The Federal Government is going to settle all its differences with Great Britain, and to make a treaty of amity, of commerce, and of navigation, with that power. You, as well as Mr. Gallatin, have manifested to me a desire, also, to make a new convention with France, to take the place of that which expires on the 30th of September next.

"I will, for a moment, call to your consideration this double object which the Federal Government proposes to itself, and the difficulties of accomplishing it in a manner advantageous for all the contracting parties. My just defence for your Government, sir, does not permit me to make any observation on the haste with which the Executive has received the first overtures of the English Ministry, yet composed of the same men who very lately discovered a very manifest

aversion to every species of conciliation, and who joined to a denial of justice to the Americans, every asperity of forms, of tone, and of style, towards the agents of your Government.

"If I have supposed that this very haste was necessary to satisfy the wishes of the people, of whom foresight is not the first virtue, others may see in that political proceeding, a precipitation, perhaps dangerous; and, if it does not lessen the dignity of the Executive, may, at least, produce consequences prejudicial to the true interests of the Union. It is on these very interests, much more than on those of France, as its enlarged and liberal policy, its principles of universal justice, and the elements of which its power is composed, have placed it beyond all attacks; it is only on the interest of your country that I fix my attention, and invoke yours under a circumstance so delicate.

"My correspondence with your predecessor, is enough to convince you, sir, that I have not left him ignorant of the dangers of the crisis of Europe, and its inevitable effects on the destiny of the States of the American Union. Positive and multiplied information on the events of the other continent, and their probable results, has enabled me sometimes to reach a power who had proclaimed its contempt for the rights of nations; and, without doubt, the Americans were the people the most interested in the success of that political act. There are, however, American merchants, who, by all the means of the most shameful deception, have endeavored to elude the measures of France, and to second the efforts of the common enemy to escape them, and have, at length, by their multiplied and proven frauds, provoked the more severe dispositions of the decree of Milan. Thus, not only were the measures of France justified as measures of retaliation, but they were indispensable to free the American commerce from the yoke which Great Britain had placed on it; to cause to be respected, in future, the flag of neutrals, and to force that power to acknowledge the common right of nations, and the dominion of the seas; and the confiscation, the sale, and the burning of some American merchant vessels, having false papers, and navigating, in contempt of the prohibitions of their own Government, to favor the enemies of France, have been legal measures, conformable to the rights of war, and which, the force of circumstances, and the interest of all, imperiously required. But I appeal to you, sir, the Council of Washington, of which you were then also a member, has it given all the necessary attention to the representations made on this subject by M. Champagny to Mr. Armstrong, as well as to those which I considered it my duty to address to the Secretary of State? Has it been possible to make known through the United States, all the advantages which the American people ought to find in the accomplishment of the designs of France; to discuss its projects in the claim of impartiality; to cause the voice of reason and of principle to be heard, when the declamation of error, or of bad faith, when the influence of prepossessions and the clamors of party spirit preserved their empire over the public opinion, or, rather, received a new force from the incertitude, or the silence of the [former] ancient Executive Council? That disposition, almost general, to attribute wrongs to France, by way of weakening the outrages of England: was it foreign to the Administration of which I speak? And that Administration, has it always been willing to hear me, while I made it perceive the consequences of the conduct of the Federal Government, in regard to the French

Government? Was this Administration well convinced that all Governments are not disposed to forget or to suffer injuries with impunity?

"In recalling to your recollection, sir, the wrongs of the Federal Government towards France, I only mention notorious acts which my former correspondence has established, observing to you, at the same time, that I understand, according to their class, [*je comprends dans leur catégoire*] the particular offences of your citizens; for every Government is bound, [*est solidaire*] in regard to other powers, for the acts of its subjects, otherwise it would not be a Government, and could not offer either security or guarantee for the execution of its agreements.

"Complaints were, for a long time, made to the United States of the delays which some American citizens had experienced in receiving the indemnities which were due to them, and of which the reimbursement was made from a part of the funds destined for the acquisition of Louisiana; but the affair of the heirs of Beaumarchais, who have in vain claimed for twenty-eight years a debt made sacred by his motives, proven to the last degree of evidence, and on which the declared interest of the French Government does not admit of a put-off; is it finished?

"Captain Mouessat, the bearer of a letter of marque, and commandant of an armed schooner, followed an English convoy, and was on the point of taking several merchant vessels, when two American armed brigs, and armed to protect the infamous commerce with St. Domingo, attacked him under the English flag, and not only added treachery to superiority of force, to get possession of the vessel of Mouessat, but, after having pillaged it, massacred a part of the crew an hour after they had struck; and this crime, which remains unpunished, is so much the less forgotten as Captain Mouessat never let go [*quitte*] his flag. But it would be too tedious to relate to you all the particular acts in relation solely to French citizens; it will be sufficient for me to say to you, that everywhere, where there are Frenchmen, (I do not speak of the small number who have *abjured* their country,) these Frenchmen will have a right to the protection of the Government, and will be everywhere assured [*assurée*] of obtaining indemnity for the damage to their persons or to their property.

"There are other grievances, yet more serious, and from which France has a right to believe that the United States has a project of giving her inquietude for her distant possessions, and for that of her allies. This has reference to the free commerce between the Americans and the revolted blacks of St. Domingo, the affair of Miranda, and to the meditated attacks on the Spaniards on the Sabine; an enterprise which would not have been given up, but for the necessity under which your Government found itself of causing its troops to fall back to guard New Orleans against an invasion by internal enemies.

"I was far from thinking, sir, that the offence of the commerce with the slaves in the revolted part of St. Domingo—the law of the embargo, confirming the prohibitory law, passed by Congress in 1806. I could not presume that the embargo would be raised, and that the law against this commerce would not be continued. What, sir, the intercourse is prohibited between the United States and all the dependencies of the Empire, under circumstances, when the commercial relations would be the most advantageous to the two States, and you tolerate them only with that one of our possessions where we have

the greatest interest to proscribe them! and it is to be remarked, that it is always when France has to combat new coalitions, on the other continent, that it would seem that efforts are made to form enterprises against its possessions, or those of its allies, in this one. It is also proper to place among the number of grievances, with which France has to charge the United States, the want of opposition, or rather the useless opposition, which the Federal Government has made to the impressment of its sailors, seized in contempt of its flag, and with whom the English arm their vessels against us. I have often, sir, and often in vain, protested against this outrage of Great Britain towards your Government, and which has become a serious injury [*offence*] on the part of your Government, towards France. You furnish personal aid [*secours personnel*] to our enemies. What could you do more if you were at war with us? Without doubt, it will not escape the present Executive, that an amendment is absolutely necessary to render uniform the treatment which our sailors and soldiers meet with in this country, and that which your sailors and soldiers meet with in France.

"I have not suffered my Court to be ignorant of the abuses, without number, and extremely prejudicial to its interests, daily resulting from a want of police in the United States, in regard to this affair. I am very far, sir, from charging your Government with the means, the most shameful of seduction, which are employed to seduce our sailors and our soldiers to desert; but has it done all that it ought to have done to prevent it? and that extreme facility with which, when they wish it, [*au besoin*] men drawn off from their country and their Sovereign, are naturalized. Does it accord with the incontestable right of Governments to recover, even without demanding them, their subjects whom artifice or force has drawn off from their service? and France, sir, has it not given on this subject, as on many others, an example of the reciprocal respect which Governments owe to each other, and which they observe in Europe even in the midst of the horrors of war? And have I not already warned the Executive Council to put an end to these abuses? Have I not warned them that the indemnity due for the loss of the French ship the *Impetuous*, burnt by the enemy within a cable's length of your coast, ought to be decreed [*statuée*] and paid without delay? and the subterfuges, (permit me to use the expression, I know no other to convey my idea,) and the subterfuges, I say, which have been employed to delay [*ajourner*] that indemnity, have made of that act of violence, on the part of our enemies, a direct offence of the United States against France. What more could you do? What more could you leave undone, sir, if you had a treaty of alliance with our enemies?

"You will find it convenient, sir, that I abridge the enumeration of all the subjects of complaint which the Federal Government has given to France since my residence in the United States, and that I refer to my correspondence with the Department of State.

"I confine myself here to calling the attention, and the attention the most serious, of the Executive Council, to another grievance of the most serious kind. I know not what could more sensibly offend [*offenser*] the French Empire.

"I commence, sir, by agreeing, that no Govern-

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ment has a right to interfere with the particular or municipal laws of other countries, because it is supposed, with reason, that every Government will so far respect itself, as to circumscribe the effect of these local institutions, and to stop licentiousness, which the feebleness of laws always gives birth to, and the digressions [les écarts] of which may offend Foreign Powers. Can one suppose that it was easy to avoid the just reproaches of Sovereigns for offences of this kind, where the weakness [la vice] of the institutions, and the want of action or of power in the depositories of political authority, render useless a trial of the means of repression? You have foreseen, sir, that I am about to address you on the indefinite liberty of saying every thing, of writing every thing, and of printing every thing.

"I am very far from believing that the excesses of your press have occupied, for an instant, the thoughts of the Emperor King, my master; but, as it respects the subject, [à cet égard] I am here as the organ of the whole French Empire; and if I do not see, without pain, the ravages [ravages] which the delirium of the insolence of the greater part of your periodical writers occasions among yourselves, you will judge that I do not hear without indignation all that people permit themselves to say or to write against France, her institutions, and the sacred person of her august representative.

"You will see, sir, that on this subject, as on all others, the redress of grievances is an indispensable prerequisite to the formation of a new treaty between the two Powers.

"It was sufficiently painful to me to address you [entretenir] on the complaints of France against the United States, without laying them open to you in the form of an official note. I have thought that a simple letter, the tone of which would approach nearer to that of our conference, would produce the same effect with you, sir, whose liberal principles and loyal character are known to me. I have thought you would be afflicted, as I am, at the obstacles [intraves] which the preceding Administration has been able to place in the way of a hearty reconciliation [à un rapprochement plus intime] between our Governments, and which their mutual interest renders more necessary than ever.

"I have thought, also, that I could even on a subject so serious, [grave] and without deviating from, or with propriety, [sans blamer les convenances] adopt a mode of communication more analogous to the conformity of our views and our efforts to maintain harmony between France and the United States; and have found here, too, the satisfaction of being able to offer to your sentiments a new tribute of respect.

"Receive, sir, the homage of my high consideration.
TURREAU."

And whether, if such letter was transmitted to the Department of State, the same has been withdrawn from its archives, and if so, when and how the same was withdrawn.

Mr. FITKIN supported this motion of Mr. GASTON, and warmly entered into a view of the conduct of Government as connected with the contents of that letter, which he considered it important to verify or falsify.

The question on Mr. GASTON's motion to amend was decided in the negative by yeas and nays—for the amendment 65, against it 96, as follows:

YEAS.—Messrs. Baylies, of Massachusetts, Bayly of Virginia, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Chappell, Cilley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Gaston, Geddes, Grosvenor, Hale, Hanson, Hufty, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lovett, Macon, Markell, Miller, Moffitt, Montgomery, Mosely, Oakley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Ridgely, Ruggles, Schureman, Sheffey, Sherwood, Shipard, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, Wilson of Massachusetts, and Winter.

NAYS.—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Cheves, Clark, Clopton, Comstock, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Duvall, Earle, Epes, Evans, Farrow, Findlay, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hubbard, Humphreys, Ingersoll, Ingham, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, Lefferts, Lowndes, Lyle, McCoy, McKee, McKim, McLean, Moore, Murfree, Nelson, Newton, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sage, Seybert, Sharp, Skinner, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Penn., Wright, and Yancey.

The question was then taken upon the resolution as originally proposed by Mr. ROBERTS, and passed in the affirmative, by a large majority.

Mr. ROBERTS and Mr. MOSELY were appointed a committee to present the said resolution to the President of the United States.

FRIDAY, January 14.

Encouraging of Enlistments.

The engrossed bill, encouraging enlistments, &c., was read a third time.

Mr. SHEFFEY offered the following new section by way of rider to the bill:

And be it further enacted, That the troops which shall be enlisted by virtue of this act, shall be limited, as to service, to the defence of the territory and frontiers of the United States, or such part thereof as the President may elect and determine.

After some objections on the question of order as to the admission of a rider to a bill, being contrary to practice, and a discussion on the principle of the proposed rider, the question on its passage to a second reading was decided in the negative: For Mr. SHEFFEY's motion 54, against it 103.

The bill was then put on its final passage; when Mr. WEBSTER rose, and addressed the Chair as follows:

Mr. Speaker, it was not my intention to offer myself to your notice on this question. I have changed my purpose only in consequence of the

course which the debate took yesterday, on an amendment proposed by me to one of the subordinate provisions of this bill. The observations to which that occasion gave rise, have induced me to prefer assigning my own reasons for my own vote, rather than trust to the justice or charity of the times to assign reasons for me.

The design of this bill is to encourage, by means of a very extraordinary bounty, enlistments into the regular army. Laws already existing, and other bills now in progress before the House, provide for the organization of an army of sixty-three thousand men. For the purpose of filling the ranks of that army, the bill before us proposes to give to each recruit a bounty of one hundred and twenty-four dollars, and three hundred and twenty acres of land. It offers also a premium of eight dollars to every person, in or out of the army, citizen or soldier, who shall procure an able-bodied man to be enlisted.

Before, sir, I can determine for myself whether so great a military force should be raised, and at so great an expense, I am bound to inquire into the object to which that force is to be applied. If the public exigency shall in my judgment demand it; if any object connected with the protection of the country, and the safety of its citizens, shall require it; and if I shall see reasonable ground to believe that the force, when raised, will be applied to meet that exigency, and yield that protection, I shall not be restrained by any considerations of expense from giving my support to the measure. I am aware that the country needs defence, and I am anxious that defence should be provided for it to the fullest extent, and in the promptest manner. But what is the object of this bill? To what service is this army destined, when its ranks shall be filled? We are told, sir, that the frontier is invaded, and that troops are wanted to repel that invasion. It is too true that the frontier is invaded—that the war, with all its horrors, ordinary and extraordinary, is brought within our own territories—and that the inhabitants near the country of the enemy are compelled to fly, lighted by the fires of their own houses, or stay and meet the foe, unprotected by any adequate aid of Government. But show me that by any vote of mine, or any effort of mine, I can contribute to the relief of such distress; show me that the purpose of Government, in this measure, is to provide defence for the frontiers. I aver I see no evidence of any such intention. I have no assurance that this army will be applied to any such object. There are, as was said by my honorable friend from New York, (Mr. GROSVENOR,) strong reasons to infer the contrary, from the fact that the forces hitherto raised have not been so applied, in any suitable or sufficient proportion. The defence of our own territory seems hitherto to have been regarded as an object of secondary importance—a duty of a lower order than the invasion of the ene-

my. The army raised last year was competent to defend the frontier. To that purpose Government did not see fit to apply it. It was not competent, as the event proved, to invade with success the provinces of the enemy. To that purpose, however, it was applied. The substantial benefit which might have been obtained, and ought to have been obtained, was sacrificed to a scheme of conquest, in my opinion a wild one, commenced without means, prosecuted without plan or concert, and ending in disgrace. Nor is it the inland frontier only that has been left defenceless. The seacoast has been, in many places, wholly exposed. Give me leave to state one instance: the mouth of one of the largest rivers in the eastern section of the Union is defended by a fort mounting fourteen guns; this fort, for a great part of the last season, was holden by one man and one boy only. I state the fact on the authority of an honorable gentleman of this House. Other cases, almost equally flagrant, are known to have existed, in some of which interests of a peculiar character and great magnitude have been at stake. With this knowledge of the past, I must have evidence of some change in the purposes of the Administration before I can vote for this bill, under an expectation that protection will thereby be afforded to either frontier of the Union. Of such change there is no intimation. On the contrary, gentlemen tell us explicitly that the acquisition of Canada is still deemed to be an essential object, and the vote of the House within the last half hour has put the matter beyond doubt. An honorable gentleman from Virginia (Mr. SHEFFREY) has proposed an amendment to the bill, limiting the service of the troops to be raised by its provisions, to objects of defence. To the bill thus amended he offered his support, and would have been cheerfully followed by his friends. The amendment was rejected. It is certain, therefore, that the real object of this proposition to increase the military force to an extraordinary degree, by extraordinary means, is to act over again the scenes of the two last campaigns. To that object I cannot lend my support—I am already satisfied with the exhibition. Give me leave to say, sir, that the tone on the subject of the conquest of Canada seems to be not a little changed.

Before the war, that conquest was represented to be quite an easy affair. The valiant spirits who meditated it were only fearful lest it should be too easy to be glorious. They had no apprehension, except that resistance would not be so powerful as to render the victory splendid. These confident expectations were, however, accompanied with a commendable spirit of moderation, the true mark of great minds, and it was gravely said that we ought not to make too large a grasp for dominion, but to stop in our march of conquest northward, somewhere about the line of perpetual congelation, and leave to our enemies or others the residue of the continent to the pole.

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How happens it, sir, that this country, so easy of acquisition, and over which, according to the prophecies, we were to have been by this time legislating, dividing it into States and Territories, is not yet ours? Nay, sir, how happens it that we are not even free of invasion ourselves; but gentlemen here call on us, by all the motives of patriotism, to assist in the defence of our own soil, and portray before us the state of the frontier, by frequent and animated allusion to all those topics which the modes of Indian warfare usually suggest?

This, sir, is not what we were promised. This is not the entertainment to which we were invited. This is no fulfilment of those predictions which it was deemed obstinacy itself not to believe. This is not the harvest of greatness and glory, the seeds of which were supposed to be sown with the declaration of war.

When we ask, sir, for the causes of these disappointments, we are told that they are owing to the opposition which the war encounters in this House and among the people. All the evils which afflict the country are imputed to opposition. This is the fashionable doctrine, both here and elsewhere. It is said to be owing to opposition that war became necessary; and owing to opposition, also, that it has been prosecuted with no better success.

This, sir, is no new strain. It has been sung a thousand times; it is the constant tune of every weak or wicked Administration. What Minister ever yet acknowledged that the evils which fell on his country were the necessary consequences of his own incapacity, his own folly, or his own corruption? What possessor of political power ever yet failed to charge the mischiefs resulting from his own measures, upon those who had uniformly opposed those measures? The people of the United States may well remember the administration of Lord North. He lost America to his country. Yet he could find pretences of throwing the odium upon his opponents. He could throw it upon those who had forewarned him of the consequences from the first, and who had opposed him, at every stage of his disastrous policy, with all the force of truth, and reason, and talent. It was not his own weakness, his own ambition, his own love of arbitrary power, which disaffected the Colonies. It was not the Tea act, the Stamp act, or the Boston Port bill, that severed the empire of Great Britain. Oh, no! It was owing to no fault of Administration; it was the work of opposition. It was the impertinent boldness of Chatham; the idle declamation of Fox; and the unseasonable sarcasm of Barré! These men, and men like them, would not join the Minister in his American war. They would not give the name and character of wisdom to that which they believed to be the extreme of folly. They would not pronounce those measures just and honorable, which their principles led them to detest. They declared the Minister's war to be wanton. They foresaw its end, and pointed it out plainly both to the Minister

and to the country. He pronounced the opposition to be selfish and factious; he persisted in his course, and the result is in history.

This example of Ministerial justice seems to have become a model for these times, and this country. With slight shades of difference, owing to different degrees of talent and ability, the imitation is sufficiently exact. It requires little imagination to fancy one's self sometimes to be listening to a recitation of the captivating orations of the occupants of Lord North's Treasury bench. We are told that our opposition has divided the Government, and divided the country. Remember, sir, the state of the Government and of the country when war was declared. Did not difference of opinion then exist? Do we not know that this House was divided? Do we not know that the other House was still more divided? Does not every man, to whom the public documents are accessible, know, that in that House one single vote, having been given otherwise than it was, would have rejected the declaring war, and adopted a different course of measures? A parental, guardian Government, would have regarded that state of things. It would have weighed such considerations; it would have inquired coolly and dispassionately into the state of public opinion in the States of this Confederacy; it would have looked especially to those States most concerned in the professed objects of the war, and whose interests were to be most deeply affected by it. Such a Government, knowing that its strength consisted in the union of opinion among the people, would have taken no step of such importance without that union; nor would it have mistaken mere party feeling for national sentiment.

That occasion, sir, called for a liberal view of things. Not only the degree of union in the sentiments of the people, but the nature and structure of the Government; the general habits and pursuits of the community; the probable consequences of the war, immediate and remote, on our civil institutions; the effect of a vast military patronage; the variety of important local interests and objects;—these were considerations essentially belonging to the subject. It was not enough that Government could make out its cause of war on paper, and get the better of England in the argument. This was requisite, but not all that was requisite. The question of war or peace, in a country like this, is not to be compressed into the compass that would befit a small litigation. It is not to be made to turn upon a pin. Incapable in its nature of being decided upon technical rules, it is unfit to be discussed in the manner which usually appertains to the forensic habit. It should be regarded as a great question, not only of right, but also of prudence and expediency. Reasons of a general nature, considerations which go back to the origin of our institutions, and other considerations which look forward to our hopeful progress in future times, all belong, in their just proportions and gradations, to a

question, in the determination of which the happiness of the present and of future generations may be so much concerned.

I have heard no satisfactory vindication of the war on grounds like those. They appear not to have suited the temper of that time. Utterly astonished at the declaration of war, I have been surprised at nothing since. Unless all history deceived me, I saw how it would be prosecuted when I saw how it was begun. There is in the nature of things an unchangeable relation between rash counsels and feeble execution.

It was not, sir, the minority that brought on the war. Look to your records from the date of the embargo in 1807, to June 1812. Every thing that men could do, they did, to stay your course. When at last they could effect no more, they urged you to delay your measures. They entreated you to give yet a little time for deliberation, and to wait for favorable events. As if inspired for the purpose of arresting your progress, they laid before you the consequences of your measures, just as we have seen them since take place. They predicted to you their effects on public opinion. They told you that, instead of healing, they would inflame political dissensions. They pointed out to you also what would and what must happen on the frontier. That which since has happened there, is but their prediction turned into history. Vain is the hope then of escaping just retribution, by imputing to the minority of the Government, or to the opposition among the people, the disasters of these times. Vain is the attempt to impose thus on the common sense of mankind. The world has had too much experience of ministerial shifts and evasions. It has learned to judge of men by their actions, and of measures by their consequences.

If the purpose be, by casting these implications upon those who are opposed to the policy of the Government, to check their freedom of inquiry, discussion, and debate, such purpose is also incapable of being executed. That opposition is constitutional and legal. It is also conscientious. It rests in settled and sober conviction, that such policy is destructive to the interests of the people, and dangerous to the being of the Government. The experience of every day confirms these sentiments. Men who act from such motives are not to be discouraged by trifling obstacles nor awed by any dangers. They know the limit of constitutional opposition—up to that limit, at their own discretion will they walk, and walk fearlessly. If they should find, in the history of their country, a precedent for going over, I trust they will not follow it. They are not of a school, in which insurrection is taught as a virtue. They will not seek promotion through the paths of sedition, nor qualify themselves to serve their country in any of the high departments of its Government, by making rebellion the first element in their political science.

Important as I deem it to discuss, on all prop-

er occasions, the policy of the measures at present pursued, it is still more important to maintain the right of such discussion, in its full and just extent. Sentiments lately sprung up, and now growing fashionable, make it necessary to be explicit on this point. The more I perceive a disposition to check the freedom of inquiry by extravagant and unconstitutional pretences, the firmer shall be the tone in which I shall assert, and the freer the manner in which I shall exercise it. It is the ancient and undoubted prerogative of this people to canvass public measures and the merits of public men. It is a "homebred right," a fireside privilege. It has ever been enjoyed in every house, cottage, and cabin, in the nation. It is not to be drawn into controversy. It is as undoubted as the right of breathing the air, or walking on the earth. Belonging to private life as a right, it belongs to public life as a duty; and it is the last duty which those whose representative I am, shall find me to abandon. Aiming at all times to be courteous and temperate in its use, except when the right itself shall be questioned, I shall then carry it to its extent. I shall then place myself on the extreme boundary of my right, and bid defiance to any arm that would move me from my ground. This high constitutional privilege I shall defend and exercise within this House, and without this House, and in all places: in time of war, in time of peace, and at all times. Living I shall assert it, dying I shall assert it; and, should I leave no other inheritance to my children, by the blessing of God I will still leave them the inheritance of free principles, and the example of a manly, independent, and constitutional defence of them.

Whoever, sir, would discover the causes which have produced the present state of things, must look for them not in the efforts of opposition, but in the nature of the war in which we are engaged, and in the manner in which its professed objects have been attempted to be obtained. Quite too small a portion of public opinion was in favor of the war, to justify it, originally. A much smaller portion is in favor of the mode in which it has been conducted. This is the radical infirmity. Public opinion, strong and united, is not with you, in your Canada project. Whether it ought to be, or ought not to be, the fact that it is not, should by this time be evident to all; and it is the business of practical statesmen, to act upon the state of things as it is, and not to be always attempting to prove what it ought to be. The acquisition of that country is not an object generally desired by the people. Some gentlemen indeed say it is not their *ultimate object*; and that they wish it only as the means of effecting other purposes. But, sir, a large portion of the people believe that a desire for the conquest and final retention of Canada is the main spring of public measures. Nor is the opinion without ground. It has been distinctly avowed by public men, in a public manner. And if this be not the object, it is not easy to see the connec-

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tion between your means and ends. At least that portion of the people, that is not in the habit of refining far, cannot see it. You are, you say, at war for maritime rights, and free trade. But they see you lock up your commerce and abandon the ocean. They see you invade an interior province of the enemy. They see you involve yourselves in a bloody war with the native savages; and they ask you, if you have, in truth, a maritime controversy with the Western Indians, and are really contending for sailor's rights with the tribes of the Prophet? In my judgment the popular sentiment, in this case, corresponds with the soundest political discretion. In my humble opinion, you are not only not able to travel in the road you have taken, but, if you were, it would not conduct you to your object.

I am aware, sir, that both the professed objects of the war, and the manner of prosecuting it, may receive the nominal approbation of a great majority of those who constitute the prevailing party. But I know also how extremely fallacious any inference from that circumstance would be, in favor of the real popularity of the measure. In times like these, a great measure of a prevalent party becomes incorporated with the party interest. To quarrel with the measure would be to abandon the party. Party considerations, therefore, induce an acquiescence in that on which the fate of party is supposed to depend. Gentlemen, sir, fall into strange inconsistencies on this subject. They tell us that the war is popular; that the invasion of Canada is popular, and that it would have succeeded before this time, had it not been for the force of opposition. Sir, what gives force to opposition in this country? Certainly nothing but the popularity of the cause of opposition, and the numbers who espouse it. Upon this argument, then, in what an unprecedented condition are the people of these States? We have on our hands a most popular war; we have also a most popular opposition to that war. We cannot push the measure, the opposition is so popular. We cannot retract it, the measure itself is so popular. We can neither go forward, nor backward. We are at the very centre of gravity—the point of perpetual rest.

The truth is, sir, that party support is not the kind of support necessary to sustain the country through a long, expensive, and bloody contest; and this should have been considered before the war was declared. The cause, to be successful, must be upheld by other sentiments, and higher motives. It must draw to itself the sober approbation of the great mass of the people. It must enlist, not their temporary or party feelings, but their steady patriotism, and their constant zeal. Unlike the old nations of Europe, there are in this country no dregs of population, fit only to supply the constant waste of war, and out of which an army can be raised, for hire, at any time, and for any purpose. Armies of any magnitude can here be nothing but the people embodied—and if the object be

one for which the people will not embody, there can be no armies.

It is, I think, too plain to be doubted, that the conquest of Canada is such an object. They do not feel the impulse of adequate motive. Not unmindful of military distinction, they are yet not sanguine of laurels in this conquest. The harvest, thus far, they perceive has not been great. The prospect of the future is no greater. Nor are they altogether reconciled to the principle of this invasion. Canada, they know, is not to be conquered, but by drenching its soil in the blood of its inhabitants. They have no thirst for that blood. The borderers, on the line, connected by blood and marriage, and all the ties of social life, have no disposition to bear arms against one another. Merciless indeed has been the fate of some of these people. I understand it to be a fact, that in some of the affairs which we call battles, because we have had nothing else to give the name to, brother has been in arms against brother. The bosom of the parent has been exposed to the bayonet of his own son. Sir, I honor the people that shrink from a warfare like this. I applaud their sentiments and their feelings. They are such as religion and humanity dictate, and such as none but cannibals would wish to eradicate from the human heart.

You have not succeeded in dividing the people of the Provinces from their Government. Your commanders tell you that they are universally hostile to your cause. It is not, therefore, to make war on their Government, it is to make war, fierce, cruel, bloody war on the people themselves, that you call to your standard the yeomanry of the Northern States. The experience of the two campaigns should have taught you, that they will not obey that call. Government has put itself in every posture. It has used supplication and entreaty; it has also menaced, and it still menaces compulsion. All is in vain. It cannot longer conceal its weakness on this point. Look to the bill before you. Does not that speak a language exceeding every thing I have said? You last year gave a bounty of sixteen dollars, and now propose to give a bounty of one hundred and twenty-four dollars, and you say you have no hope of obtaining men at a lower rate. This is sufficient to convince me, it will be sufficient to convince the enemy and the whole world, yourselves only excepted, what progress your Canada war is making in the affections of the people.

It is to no want of natural resources, or natural strength in the country, that failures can be attributed. The Northern States alone are able to overrun Canada in thirty days, armed or unarmed, in any cause which should propel them by inducements sufficiently powerful. Recour, sir, to history. As early as 1745, the New England Colonies raised an army of five thousand men, and took Louisburg from the troops of France. On what point of the enemy's territory, let me ask, have you brought an equal force to bear in the whole course of two cam-

paigns? On another occasion, more than half a century ago, Massachusetts alone, although its population did not exceed one-third of its present amount, had an army of twelve thousand men. Of these, seven thousand were at one time employed against Canada. A strong motive was then felt to exist. With equal exertion that Commonwealth could now furnish an army of forty thousand men.

You have prosecuted this invasion for two campaigns. They have cost you vastly more, upon the average, than the campaigns of the Revolutionary war. The project has already cost the American people nearly half as much as the whole price paid for independence. The result is before us. Who does not see and feel that this result disgraces us? Who does not see in what estimation our martial prowess must be by this time holden by the enemy and by the world? Administration has made its master effort to subdue a province, three thousand miles removed from the mother country; scarcely equal in natural strength to the least of the States of this confederacy, and defended by external aid to a limited extent. It has persisted two campaigns, and it has failed. Let the responsibility rest where it ought. The world will not ascribe the issue to want of spirit or patriotism in the American people. The possession of those qualities, in high and honorable degrees, they have heretofore illustriously evinced, and spread out proof on the record of their Revolution. They will be still true to their character, in any cause which they feel to be their own. In all causes they will defend themselves. The enemy, as we have seen, can make no permanent stand in any populous part of the country. Its citizens will drive back his forces to the line. But at that line, at the point where defence ceases and invasion begins, they stop. They do not pass it, because they do not choose to pass it. Offering no serious obstacle to their actual power, it rises, like a Chinese wall, against their sentiments and their feelings.

It is natural, sir, such being my opinion, on the present state of things, that I should be asked what, in my judgment, ought to be done. In the first place, then, I answer, withdraw your invading armies and follow counsels which the national sentiment will support. In the next place, abandon the system of commercial restriction. That system is equally ruinous to the interests, and obnoxious to the feelings of whole sections and whole States. They believe you have no constitutional right to establish such systems. They protest to you that such is not, and never was, their understanding of your powers. They are sincere in this opinion, and it is of infinite moment that you duly respect that opinion, although you may deem it to be erroneous. These people, sir, resisted Great Britain, because her Minister, under pretence of regulating trade, attempted to put his hand into their pockets and take their money. There is that, sir, which they then valued, and

which they still value, more than money. That pretence of regulating trade they believed to be a mere cover for tyranny and oppression. The present embargo, which does not vex, and harass, and embarrass their commerce, but annihilates it, is also laid by color of a power to regulate trade. For if it be not laid by virtue of this power, it is laid by virtue of no power. It is not wonderful, sir, if this should be viewed by them as a state of things, not contemplated when they came into the national compact.

The humble aid which it would be in my power to render to measures of Government, shall be given cheerfully, if Government will pursue measures which I can conscientiously support. Badly as I think of the original grounds of the war, as well as of the manner in which it has been hitherto conducted, if even now, failing in an honest and sincere attempt to procure just and honorable peace, it will return to measures of defence and protection, such as reason, and common sense, and the public opinion all call for, my vote shall not be withholden from the means. Give up your futile projects of invasion. Extinguish the fires that blaze on your inland frontiers. Establish perfect safety and defence there, by adequate force. Let every man that sleeps on your soil, sleep in security. Stop the blood that flows from the veins of unarmed yeomanry and women and children. Give to the living time to bury and lament their dead, in the quietness of private sorrow. Having performed this work of beneficence and mercy on your inland border, turn, and look with the eye of justice and compassion on your vast population along the coast. Unclench the iron grasp of your embargo. Take measures for that end before another sun sets upon you. With all the war of the enemy on your commerce, if you would cease to war on it yourselves, you would still have some commerce. That commerce would give you some revenue. Apply that revenue to the augmentation of your navy. That navy, in turn, will protect your commerce. Let it no longer be said that not one ship of force, built by your hands since the war, yet floats upon the ocean. Turn the current of your efforts into the channel which national sentiment has already worn broad and deep to receive it. A naval force, competent to defend your coast against considerable armaments, to convoy your trade, and perhaps raise the blockade of your rivers, is not a chimera. It may be realized. If, then, the war must be continued, go to the ocean. If you are seriously contending for maritime rights, go to the theatre where alone those rights can be defended. Thither every indication of your fortune points you. There the united wishes and exertions of the nation will go with you. Even our party divisions, acrimonious as they are, cease at the water's edge. They are lost in attachment to national character on the element where that character is made respectable. In protecting naval interests by naval means, you will arm

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yourselves with the whole power of national sentiment, and may command the whole abundance of the national resources. In time you may enable yourselves to redress injuries, in the place where they may be offered, and, if need be, to accompany your own flag throughout the world, with the protection of your own cannon.

When Mr. WEBSTER had taken his seat—

Mr. INGERSOLL rose and addressed the House as follows :

Mr. Speaker, I regret that there should be a necessity for any member on this side of the House to deny some of the positions assumed by the honorable gentleman from New Hampshire, (Mr. WEBSTER,) who has just taken his seat; and more especially regret that the task should devolve upon me, as I think it does, in justice to my constituents, to contradict more particularly his positions with respect to the popularity of the conquest of Canada. He has totally denied the prevalence of such a sentiment, denounced the project as odious and impracticable in the present state of public feeling, and, while he recognized the facility of the conquest, he nevertheless prophesied a continued abortion to the American arms in every such attempt. Sir, meeting his assertions, as I do, without previous consideration, it must be expected that my answer will be desultory and incomplete. The gentleman from New Hampshire appears to have taken the floor with an argument, the fruit of some study of his subject; and it is due to candor to premise that he has argued his case honorably, as well as elaborately; with propriety, as well as ability. I can assure him, in the first place, that whatever may be the temper of the community in that State which he in part represents; that, however impolitic, immoral, or impossible they may consider the conquest of Canada, the popular feeling is very different in that portion of the country which sends me to this House—a portion undoubtedly as populous, as enlightened, and as patriotic as the immediate section of that gentleman's residence; I will not presume to say, sir, more populous, more enlightened, or more patriotic. The delays, disasters, and disgrace our arms have sustained in the endeavor to invade the Canadian provinces we do not consider, in Pennsylvania, as reasons for abandoning the attempt. We do not account our misfortunes irremediable. We do not see in these difficulties attending the American military apprenticeship the evidences discovered by that gentleman of indelible national discredit, nor motives for closing with any terms that may be offered of peace; but, on the contrary, we hold them to be calamitous proofs of an ignorance of the art of war, which it is high time to overcome, and most powerful incitements to perseverance and fortitude in hostilities. As a separate cause of war, independent of all others, I will not undertake to say what the popular sentiment may be with regard to the invasion and conquest of Canada; but, as an instrument for waging it

effectually, and as a desirable acquisition in the course of its prosecution, most certainly we do look upon those British provinces in our neighborhood as all-important in the account. It can hardly be doubted but that Canada will generally, hereafter, be as well defended as it has been in the present contest, nor can it any more be drawn into question that our efforts to possess ourselves of these territories will invariably be as unfortunate and disgraceful as they have been, unless we persist long enough to oppose discipline to discipline; otherwise, we may postpone the conquest to the next generation, who may try it, as we have done; fail as we have done; and hand it over to a third descent: always expensive, always sanguinary, always mortifying, and always unsuccessful. We recollect, sir, and take into consideration, in all our views of this subject, what it cost England to wrest it from France; how many disastrous campaigns succeeded each other; when the whole population of the New England States were embodied for the conquest under the most experienced military men Great Britain could place at their head; how they nevertheless failed, year after year, till Wolfe, at last, achieved it. And, when he had achieved it, what said the English nation of its worth? Turn, sir, to those histories to which the gentleman from New Hampshire has referred, with which he is, no doubt, so much more conversant than I can pretend to be. Ask the annals of the times. They will tell you that the acquisition was accounted a rich indemnity for all the blood and all the treasure it had cost. They will inform you that the English deemed it a prize inestimably valuable.

If such was their view of this conquest, such their perseverance to accomplish it, shall we reckon it so little worth, when its importance has been so much enhanced? Shall we forego the endeavor to obtain it, without exertions commensurate with those made so long ago by England? It is true that our arms have failed; failed repeatedly; failed most disreputably; failed almost unaccountably. But have not the arms of England been as often and as signally reversed? It is now more than a century since England has been striving to become a considerable military power, and what has been her fate? Look to Flanders, to Holland, to Walcheren, during the present war; without recurring further back, to Portugal, to Spain. Where have they not been defeated and disgraced? till finally, after three years of continued overthrows and failures in Spain, they have, at last, been beaten by their masters in the military art into an equality with those masters. Let it always be recollected, sir, that our present misfortunes in the field are the natural result of thirty years of peace and prosperity; thirty years of total neglect of every thing like military science or acquirement. I am given to understand, sir, by officers of unquestionable merit, that, in the late affair at Williamsburg, on the 11th of November, the

superiority of British discipline was as manifest on the one side, as that of American enthusiasm was on the other; and that, but for this ardent, though ill-regulated spirit, we should probably have sustained a total defeat. The knowledge of war is not to be obtained in a day, nor through any theory. If labor, mortification, and constancy, are indispensable to the mastery of any part, surely they must be, and be expected to be, in that of military affairs. How was it, sir, when, soon after the organization of the present Government, an attempt was made to subdue the Indians on our borders?—when General Washington was the President, General Knox at the head of the War Department, and Generals Harmer, St. Clair, and Wayne, the commanders of the several expeditions? I forget which of the two former went first, but they were both entirely unsuccessful; nor was it until the third attempt was made, that, with all the supposable advantages of such an administration, this petty foe was ultimately overcome.

Have gentlemen forgot that the first blow of the war of the Revolution, even before the Declaration of Independence, was aimed at Canada? when General Washington sent Colonel Arnold to penetrate with his detachment through the District of Maine, while General Montgomery advanced to the co-operation by another route. The course and termination of that expedition are familiar to everybody. General Montgomery fell in the attack on Quebec, after the subjugation of Montreal, and when the conquest of the province was so near its accomplishment. He fell at a season of the year, too, and under circumstances, which cannot be called to mind, without contrasting them with the present situation and latter constitution of our armies, who, fortified all Summer and huddled all Winter, appear to have lost the spirit of enterprise and hardihood by which American officers and soldiers were formerly characterized. Several years after this invasion, in the year 1779, that Congress, whose constancy, patriotism, and talents, cannot be too much applauded, whose eulogium has been resigned to our enemies and omitted by our own annalists, made every arrangement preparatory to a second incursion. The Marquis Lafayette was sent into the State of New York to take the preliminary measures; and the design was finally suspended, for reasons which it is not now essential that I should enumerate. Many years succeeding the period, at the adoption of the Federal Constitution, a clause was placed in that instrument, as is well known, for the express purpose of making adequate provision for the future incorporation of the Canadas, at any time, into the Union.

When Mr. INGERSOLL concluded—

Mr. MILLER, of New York, rose and addressed the Chair as follows:

Mr. Speaker: I cannot vote for the bill now under consideration, nor can I content myself with a silent vote. I am opposed to the bill—

1st. Because the force it seeks to raise is to be used in this war of conquest—the crusade against Canada.

2d. Because we have not the information we ought to have, before we grant more money, or raise more men, to prosecute this ruinous and disastrous war.

3d. Because I think this Administration is incompetent to conduct the war to a successful issue.

4th. Because I am utterly opposed to the principles which have been avowed in the progress of the war.

It is not my intention to touch the details of the bill on the table, although I think them very defective and objectionable. I am opposed to the whole bill—

1st. Because the force is to be used in this war of conquest.

We have been told by honorable gentlemen on the other side of the House, that however much we may have been originally opposed to the war, it now becomes our duty to withhold our opposition, and afford all the means in our power to carry it on with the utmost vigor. To this opinion I cannot subscribe; it goes to the destruction of civil liberty, and will not find advocates on this side of the House. This doctrine strikes at the vitals of your republican institutions. It amounts to neither more nor less than this: that a weak and wicked Administration, (I speak not particularly of the present men in power,) finding the confidence of the people withdrawn, and their power about to pass into other hands, have nothing to do but to declare war, and instantly all opposition must cease; the men who happen to be in place, at the time of the declaration of war, however weak, however incompetent, and however profligate, must be supported at every hazard. To this doctrine I object, as it goes directly to the destruction of civil liberty. The people of this country, I am proud say it, have an undoubted right to pass upon the conduct of public men, and examine the tendency of public measures, in war as well as in peace.

The conquest of Canada has been distinctly avowed as an object of the war. My honorable friend from New Hampshire (Mr. WEBSTER) stated to you that his constituents did not want Canada; that they were opposed to this war of ambition and conquest. An honorable gentleman from Pennsylvania, who has just sat down, (Mr. INGERSOLL,) said his constituents considered the war just and necessary, and the conquest of Canada indispensable. He said, also, that it was patriotic to enlist in such a cause. I would like to know how many of that honorable gentleman's constituents have enlisted for this war, so necessary and so just? And how many of them have marched for the conquest of Canada which he and they think so indispensable? Does he see the dilemma in which he may have placed his constituents? I put it to you, sir: If that honorable gentleman proves to me that this war is ne-

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cessary and just—that the conquest of Canada is indispensable—that to join the army is patriotic, that his constituents know it; and I prove to him that his constituents have not joined the army for these objects, so necessary, so just, so indispensable, I ask you, sir, whether his own argument does not prove that his constituents want patriotism? Your former projects for filling your army have failed—the present one may not succeed. You began with offering reasonable, moderate bounty and pay, and you were disappointed; you made some calculation on the patriotism of your friends—you now, however, make a direct appeal to their cupidity: you propose to increase your bounty to an extravagant amount; and yet I am not sure that your ranks will be filled. I know it has been said, that armies are usually filled with the idle, the vagrant, the dissolute, and the profligate—men without occupation, without character, without homes. Nor do I forget that our manners, our habits, our customs, our pursuits, and our feelings, are like our Government—peaceful; that in this country the means of subsistence are so easily acquired, the rewards of honest industry so great, and the condition of our people so comfortable, that they require strong temptations to enlist in your army. There is much weight in all this, but it is not sufficient to account for the present state of your recruiting service. There is another and no less powerful reason: your war is unpopular. In common with every friend of the country, I rejoice that our people are so happy and contented at home that they require strong temptation to induce them to leave their accustomed avocations and pursuits. But I am proud indeed in the belief that they require also to be satisfied of the justice and necessity of the war, before they will enlist in the ranks of your army. Show to the people of this country that you have not been wanting in any of the duties you owed the enemy; show to them that you have negotiated in good faith, and that all your negotiations have failed through his fault. In short, prove to them that your war is necessary and just—that it is the proper remedy for the evils of which you complain; show them that war is necessary to assert national right, or to vindicate national honor, and you will have an army; you will then command the energies of every heart, and the “might which slumbers in every arm.” But until you do convince the people of this necessity, offer what bounty you please, I am not certain you will get an army. Do what you will, say what you please, the people of this country will think and talk; and strong indeed must be the temptation for them to enlist, unless you convince them of the justice and necessity of the war. There is a pride in their own opinions of right and wrong—there is an elevation in their sentiments of independence—a haughtiness in their notions of freedom, which requires this at your hands.

2d. I am opposed to the bill, because we have

not the information we ought to have, before we grant more men or money to prosecute this ruinous and disastrous war.

My honorable friend from North Carolina (Mr. PEARSON) stated this objection, and asked for information—it was suggested that it would not be prudent and discreet to expose the full extent of our means. To prevent the necessity of a public disclosure, he moved to clear the galleries; with a view to ask and learn the present state and condition of the army. This was not acceded to; and we are now called on to grant you more men at a most enormous premium, without even being permitted to have any satisfactory official information about the state of our recruiting service. Ignorant, hoodwinked, blinded as we are, it ought not to be claimed or expected of us to pass this bill. I think the Administration ought not to call on us for more men till they have answered the inquiry which we made of them touching the causes of the failure of our arms. And I much doubt whether this House ought to grant another army, before it has made a thorough investigation of the causes of the late disasters and disgrace which have followed our arms.

It is a position not to be doubted, that our military operations may, in a good degree, take their tone and character from the Head of the War Department; and I am free to confess that I think the present Secretary has more military talent than his immediate predecessor, or any member of the Cabinet. But your forces appear to be crippled and bound, as if by enchantment; and it seems that even the present Secretary of War, great as his talents are claimed to be, and respectable as I am willing to admit them to be, even he is not magician enough to break the spell which rests upon your army. The Head of the War Department is always, in some measure, responsible in the first instance, for the failure of a campaign; but in the present case the Secretary of War has identified himself with our military operations;—he went to the camp; he personally superintended all the operations of the army; he issued his orders from day to day; he governed, he controlled, he directed every thing; his friends claimed for him to be the “*ipse agmen*” of the war. Had the campaign succeeded; had his army proceeded on to Montreal and taken it; had victory perched on our standard, you would have heard more of the “head which planned, and the hand which executed” the last campaign. Had we been victorious, *Teuero duce, et auspice Teuero*, is the motto you would have seen blazoned on his escutcheons. And yet we have seen fit to apply to the Secretary at War for information respecting the causes of the failure of our arms. Sir, I ask whether this is strict and impartial justice to the officers of the army? I do not think our Generals have entitled themselves to be the peculiar favorites of this House; but I much fear that we have adopted a course of investigation, which they will think invidious towards them. Ineffectual as this inquiry

must be, we have got no answer yet, and we are called on to grant you more men, while those heretofore granted remain altogether unaccounted for. An inquiry similar to the one proposed at the last session ought to have been adopted. A committee of this House with powers to send for persons and papers, appears to me indispensable to a fair and impartial investigation of the causes of the failure of our arms; and more men ought not to be granted before such a committee has performed its office, and reported to this House.

Mr. Speaker, we have not the information which we ought to have. We have not even inquired for it in a way to give the least possible chance for a fair and impartial investigation. In this I think you have erred. This House has admitted the necessity of an inquiry; the nation imperiously demands it; there has been, there yet is, a loud peal of murmur and discontent from one end of the continent to the other. It cannot have been unheard; it ought not to have been disregarded. Had this House seen proper to make an effectual investigation; or had we received an answer to the inquiry which we have made, I might perhaps have arrived at a different conclusion; but, under present circumstances, I must concur in the opinion, which is entertained by a large proportion of this nation, that this Administration is not competent to carry on this war. And, in this opinion, I find a distinct and insurmountable objection to the bill on your table.

8d. I am opposed to the bill, because I think this Administration is incompetent to conduct the war to a successful issue. I cannot consent that you should have more men, particularly at this enormous rate, until you produce some better proofs than you have done, that you have talent to use them with honor and advantage to the nation. You have had a fair experiment; you have had an authority to raise every man you required; you have had appropriations to the utmost extent you asked. Whether you have enlisted men is more than I can say; but we all know that you have expended all the money, and more than you required. Both your campaigns have proved abortive. *Mene Tekel* is written in the most legible characters on all your military operations. With my consent you shall not have a man more to lead to death and disgrace in your fruitless attempts to conquer Canada.

You approached the war with headlong haste and hurried step. How has it been conducted? We all remember, it was urged as a reason for not going to war, that our Administration was incompetent to carry it on with skill and vigor. This opinion has been fully verified; what was predicted then has since been history.

Look at the first campaign. Notwithstanding all the boastings and vauntings of the advocates of war; notwithstanding the pledge they gave of the mighty prodigies they would perform, what did they do? In a single campaign they expended millions of the people's money, lost

one territory and three armies. At the close of the campaign, their pledge to the nation remained to be redeemed. If the event gives character to military operations, our men in power are totally unfit for a War Administration. They have shown neither talent in projecting, nor promptness in execution; and where is the evidence that they have either the boldness of enterprise or the dexterity of stratagem?

But I need not rest the charge of incompetency merely on the event of the first campaign. Let any man look at the operations of this Government; the object to be obtained, the force authorized, and the application of that force.

The object of our military operations was the conquest of Canada. The advocates of the war affected to think Canada would fall into our hands, without any considerable loss of time, of men, or of money, and indeed almost without the show of resistance; hence all the suggestions of prudent, discreet men, were considered as the effects of fear, the vagaries of a distempered imagination, or the result of a settled determination to magnify the evils of war. In fact, the descent upon Canada was considered not as the business of a serious campaign, but as the amusement of a holiday frolic. The inhabitants of that country were to flock to our camp; the American standard was to be nailed to the first hemlock tree, and Canada would take itself; no formidable resistance was expected. The American commander was to gain his laurels with "rapier unstained, and sword unhacked," and in honor of his bloodless victory, was to have an "ovation" decreed him. A large force was provided by law, not to secure the contest that was considered certain, but to "look down all opposition." The force was to be overwhelming, so that all resistance should be considered vain, and thus, in mercy to the Canadians, to save the effusion of human blood. These were the views and opinions of those who declared the war.

But I undertake to say that the whole business of the campaign, from beginning to end, was essentially and radically wrong. I am not a military man, my pursuits have been of a different cast, and generally it becomes me to speak on subjects of this sort with diffidence. However, with a tolerable knowledge of the local situation of the Lakes, and of that wizard country called Canada, added to such information as is now before the public of the force provided, no man of common sense can hesitate to say that the means were altogether disproportioned to the end. Even if General Hull had taken Malden, and possessed himself of Forts Erie and George, it would not have given him the command of Lake Ontario. And I hazard nothing in saying, that our whole disposable force on the frontier, added to the army which was surrendered at Detroit, could not in one season have secured the command of Lake Ontario, so long as the enemy was permitted to keep his naval superiority on the Lakes. I

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say then, the plan of this expedition, in so far at least as it disregarded the naval ascendancy of the enemy on Lake Ontario, was radically and essentially wrong. Indeed, the Administration, at the close of the campaign, admitted their error in this particular, and abandoned their project of getting possession of the Lakes without a naval force; but the enemy was permitted to keep open an uninterrupted intercourse between the Lakes and Lower country, and in this way had an opportunity to provide every thing necessary for preserving his superiority on the water. And the delay and embarrassments in our operations against the Lakes in the last campaign, may in a good degree be traced to a palpable, if not unpardonable, neglect to possess ourselves of some position to cut off the communication between Montreal and the Lakes.

With all due deference, the whole campaign in general, as well as in detail, was wrong. The object was conquest; the means of the country were applied, as if intended for defence. The Army was scattered all along the frontier from Detroit to Lake Champlain. Thus divided, it was so weak as not to present an efficient force at any given point. Not only was your army thus unwisely weakened, but operations were attempted against those positions which afforded the enemy an opportunity to use his force to the greatest advantage. For example, your first army was sent to Detroit, and thus the enemy was enabled to play off his Indians against you with the greatest possible effect. In every instance you have wantonly travelled out of your way to attack a hornet's nest; in every instance you have roused the lion in his den. To have defended the frontier by respectable garrisons would have been the dictate of caution and prudence; and the conduct of the enemy in acting on the defensive, during the first campaign, justifies the belief that you would not then have been molested.

But you have had a second campaign. Has the character of the nation been retrieved? Has the dark and gloomy picture of the first campaign been relieved by the glory which surrounds the second? Sir, until I arrived at this place, I never heard it suggested that the last campaign was more glorious than the first. I did not believe there was a man in this House, or in this nation, who did not think the country disgraced, and that the money and the men had been shamefully squandered by the weakness of the Administration or their immediate agents. Much less could I have believed that the President of the United States could have found a motive for continuing the war in the success which had attended our arms. For my own part I have seen no cause of exultation; in common with every man I met, I felt mortified and humbled at the disgraceful figure we had made, in two abortive attempts to conquer the contemptible neighboring provinces. I had foolishly thought that all the laurels of the North had turned to Canada thistles, but in this I must be

mistaken; the source from which the information comes forbids the possibility of a doubt. Success, then, has attended our arms! Have we gained honor and glory in the last campaign? Have we, indeed? Sir, my constituents will be right glad to hear it—they will rejoice most exceedingly—we may look for illuminations and bonfires from one end of the continent to the other; the people will be frantic—they will run mad with joy!

In reviewing the conduct of the last campaign I confess I derive no motive for continuing the war, from the success which has attended our arms. The project of taking Canada in detail was still persevered in, and was again defeated. The plan was wrong—the execution of that plan has failed to justify the public expectation. You were to conquer the Canadas—you have not an inch of ground in either province. The President, in his late Message, seems to claim a naval superiority on Lake Ontario. Sir, with all due deference to an authority so elevated, I must be permitted to question that fact. You do not find an authority for it in the communications from that brave and excellent officer who commands the Lakes. He has always admitted the force of the enemy to be superior to his. Commodore Chauncey has been eager for an engagement; he has on every occasion courted a battle; he had no doubt of his success, but he rested on his own skill and bravery; he calculated on the activity and exertions of his officers, the discipline and steady courage of his men, not on the superiority of his force. The enemy has about twenty guns more than we have; and besides, his ships sail better and afford a more efficient squadron than ours. Let not the Administration deceive themselves; Lake Ontario is not yet theirs; another campaign is necessary to obtain it.

The whole conduct of the war has tended to disgrace our country—depress the tone and spirit of our army; while, at the same time, it has inspired the utmost confidence in the enemy. The men who joined your standard were promised a conquest, and have met with defeat. Many of the inhabitants of Canada were disposed to remain neutral; they had heard of our resources; they knew the bravery of our people; we are descended from the same ancestors with themselves; they dreaded our power; they did not so soon expect to see "Alcides beaten by his page." The events of the war are calculated to have a most serious effect; after two campaigns you are altogether in a worse situation than when you began the war. Your defeats, your disasters, and your disgrace, have encouraged the hearts and strengthened the hands of the enemy. Your conduct has fortified every post; and when you again venture on Montreal, you will find every pass to be a Thermopylæ. The Canadians find ample encouragement in your weakness and improvidence. They by this time know they are not to be annihilated by the thunders of a proclamation; and they believe, too, that

the walls of Quebec will not be tumbled into ruin by a Presidential manifesto.

Mr. Speaker, I have taxed the patience of the House much more severely than I had intended. I am opposed to the bill, because I am opposed to the war; because we have not the information necessary to a full conviction of the necessity of raising men at the enormous expense contemplated; because I think this Administration utterly incompetent to conduct the war to a successful issue; and because I abhor and detest the principles which have been proclaimed in its progress, which principles I think there is too much reason to believe have been authorized, or sanctioned at least, by our Administration. In discussing this subject, I have spoken with that plainness which I thought was demanded by the occasion. I hope I have not discovered a want of respect to those who differ from me in opinion. If I "have nothing extenuated," certainly I have not "set down aught in malice." Permit me, sir, to express a hope, that what I have said at this time will not subject me to be denounced as a "moral traitor" by any honorable gentleman on the other side of the House. With the definition I have given, there is no harm in it; but the term is reproachful, and must be resisted. In discussions here, it will always be my pleasure and my pride to do justice to the motives, and to respect the feelings of honorable gentlemen on the other side of the House. I claim the same justice and respect for myself. I repeat it, I hope no honorable gentlemen will apply that epithet to me. Like every member of this House, I stand here on the constitution and the law; like other honorable gentlemen, I stand here on my personal responsibility. The rights of my constituents will not, I hope, be abandoned; and as to my personal rights, I shall try to do without a prompter. If a time shall ever arrive when I shall distrust the strength of my nerves to meet any occasion which may be presented in defence of my own rights, or those of my constituents, I shall go home to them, and, resigning the honor they have conferred on me, shall tell them frankly, that I am not the man to serve them in wayward times like these. But, so long as I retain my seat here, I will do my duty, "peaceably if I can, forcibly if I must."

The main question was then put—"Shall the bill pass?" and decided as follows:

YEAS.—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Bradley, Brown, Burwell, Caldwell, Calhoun, Chappell, Cheves, Clark, Clopton, Comstock, Conard, Crawford, Creighton, Crouch, Dawson, Desha, Duvall, Earle, Eppes, Evans, Findlay, Flak of Vermont, Flak of New York, Forney, Forayth, Franklin, Gholson, Glasgow, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hubbard, Humphreys, Hungerford, Ingersoll, Ingham, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, Lefferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Montgomery, Moore, Murfree, Nel-

son, Newton, Ormsby, Parker, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Sharpe, Skinner, Smith of Pennsylvania, Smith of Virginia, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey—97.

NAYS.—Messrs. Baylies of Massachusetts, Bayly of Virginia, Bigelow, Boyd, Bradbury, Brigham, Caperton, Champion, Gilley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Gaston, Geddes, Grosvenor, Hale, Hufty, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Markell, Miller, Moffitt, Mosely, Oakley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Ridgely, Ruggles, Schureman, Sheffield, Sherwood, Shipard, Smith of New York, Stanford, Stockton, Sturges, Taggart, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, Wilcox, Wilson of Massachusetts, and Winter—58.

SATURDAY, January 15.

Extension of Enlistments.

On motion of Mr. TROUP, of Georgia, the House resolved itself into a Committee of the Whole, on the bill, sent to this House from the Senate, "authorizing the President of the United States to cause certain regiments therein mentioned to be enlisted for five years, or during the war."

Mr. ROBERTSON, of Louisiana, said he rose to move an amendment. The object of the bill is to encourage enlistments in the Army. It offers a large bounty, and gives the option of engaging for five years or during the war; but the recruit might not be willing to serve for five years, because the war might not continue so long; and he might object to enlist for the war, as there was a probability of its continuing longer. To obviate these difficulties he would move to strike out the words "or during the war," and insert, "if the war shall so long continue." Thus, instead of being called on to elect either of the alternatives of the bill, individuals would press forward with alacrity to fill up the ranks of the Army, when they perceived that the term of their service was limited to five years, and that in the mean time if peace was restored they would be entitled to their discharge. He would use no argument to show that a preference was due to the plan he had the honor to submit. He believed there would be but one opinion on the subject, especially when it was on all hands admitted that we had men enough already enlisted for five years for all the purposes of a peace establishment, and that in no event, on disbanding the Army, could there be any difficulty on that score.

Mr. STOCKTON, of New Jersey, said, that although he was not partial to the present bill, nor to the system of which it is a part, but entirely opposed to it; yet he confessed that he was not so much alarmed at the present state of our national affairs as some of his friends appeared to be. If indeed he had brought his mind to believe that this war was to be carried

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on until Canada was conquered—that if the large army now contemplated should not be raised by voluntary enlistment, (and he did not believe that it would be so raised,) it was the intention of the Government, as avowed on this floor by the honorable Chairman of the Military Committee, to resort to conscription—if he believed in these things, he should be really alarmed at the present state of the nation; but he entertained no serious apprehensions on either of these points. With respect to conscription, he did not believe that any Congress of the United States would be brought to pass such a bill, because he believed that it would be unconstitutional, and therefore could never receive the sanction of the two Houses of Congress; and for the further reason, that such an act would never be submitted to, but would be resisted by the freemen of the United States. He therefore felt no alarm on that point—neither did he believe that it was the intention of Government to carry on this war until Canada was conquered;—true it is that such an intention has been avowed on this floor; but, added Mr. S., take my word for it, your Ministers will never open their lips on the subject of the acquisition of Canada in any negotiation for peace; and he further believed that the Government had not only given up all such designs, but also the other ostensible causes for continuing the war. Mr. S. said that he was irresistibly led to this conclusion by the fact of the Administration having acceded to the late proposition for a negotiation, and by a careful review of the public documents connected with that subject. That, in the recent overtures made by the British Government, it had taken care to state expressly and distinctly the basis, the only basis, on which it would negotiate; that basis was the public law of Europe and the maritime rights of Great Britain—meaning, doubtless, public law and maritime rights as the same are understood by that Government. To open a negotiation on this basis the Administration has assented, and the very act of assent in his opinion in itself is a complete dereliction of the other grounds of the war. Mr. S. said that he was fully borne out in his construction of that act by the conduct of both Governments heretofore, compared with our own, now to be collected from official documents on the table. He alluded to the correspondence of Mr. Russell and the British Minister—and to that of Admiral Warren and the Secretary of State. Soon after the commencement of hostilities, Mr. Russell, by the orders of this Government, offered to the enemy a negotiation for peace and an armistice; but demanded, in pursuance of express instructions, a suspension of impressment as a preliminary to such negotiation. Though not of much importance in itself, the British Government refused it at once. Such a basis might have carried with it some appearance of submitting the right of taking her own men on the seas. To exclude forever such an admission, she refused even a

suspension during negotiation; and that too in terms which were complained of for unnecessary asperity. About the same time Admiral Warren, by the order of his Government, made substantially the same offer that is now made. The Orders in Council having been repealed, he offered an armistice, as preliminary to a negotiation on the general principles of public law and mutual rights. The Secretary of State refused the offer, for the special reason that it was not accompanied by some previous arrangement respecting impressment. The war has continued. Now this Government has assented to the same proposition in substance; and not only so, but it has assented to a proposition couched in such terms as fully to prove that Great Britain is determined not to yield an inch of her ground; and when an accompanying document of the most solemn kind, the Prince Regent's speech, charges our Government with showing no disposition to put an end to the war, which it pronounces is not to be found in the overture of Mr. Russell. To negotiate, said Mr. S., on terms of reciprocity, consistent with her understanding of the public law, she is willing; that is, she will probably agree to so regulate the exercise of her rights in future as to secure, as far as is possible, the real American citizen from impressment, provided this Government on its part will prevent the employment of her deserters and the abuse of American protections. Upon such matters she will negotiate, but she tells you plainly that she will not negotiate upon her right. What other conclusion then can be fairly drawn, but that the Administration have acceded to the basis offered, and mean to obtain as favorable regulations as can be procured? If this is not the final determination of the Cabinet, this negotiation is worse than useless—it is solemn mockery—it can serve only to deceive the people and to waste the public treasure. Mr. S. said he would not impute such intentions to the Government. No, he believed that the Administration had at length abdicated their ground, had struck their colors; and he rejoiced that they had at length abandoned the vain attempt to change the public law of Europe, and by a machine of their own invention to convert the subjects of other nations into lawful soldiers, fighting against their native sovereign. He rejoiced at it because it opened a prospect of peace, and an end of the calamities of this dreadful war. The idle doctrine of free trade and sailor's rights—idle as it is now contended for—would soon, he hoped, be heard no more. I might be asked, said Mr. S., if this was the real intention of Government, why all this parade and bustle about an army of sixty thousand men? The answer was plain to his mind; it was all vapor, a mere paper operation, designed to have its effect here, and to be taken in the pockets of your Ministers. We have, added he, been famous for years in operations of this nature, and if we can wage war by proclamations and laws, why not make peace? For his part he had no

faith in such nostrums, and would not consent to waste ten or fifteen millions of dollars for such an experiment. Under this conviction he would not consent to any increase of the Army. He was also opposed to it for another reason—he was opposed to the war; especially to it as a war of invasion and conquest. He believed that the present Military Establishment, if properly directed and commanded, was amply sufficient to defend the country when aided by the militia—a safe and sure defence. He had voted against the former bill, and should vote against this.

Mr. GRUNDY, of Tennessee, observed, that a wish on the part of the majority of the House to despatch the public business had hitherto prevented them from entering into general discussion, and he believed the interest of the country would not justify it at this time; he should therefore confine his observations to a reply to some of the remarks made by gentlemen in the opposition. The gentleman from New Jersey (Mr. STOCKTON) asserts, that the Administration has abandoned the grounds on which the war was declared, by accepting the overture made by the British Government to negotiate at Gottenburg; and that, by the declaration contained in Mr. Monroe's letter to Lord Castlereagh, the maritime rights of Great Britain as claimed by her are recognized, and free trade and sailor's rights are abandoned. Sir, the fact is not so; and I do feel astonished that an attempt should be made to impose upon this House and the people of the United States, by mistaking the contents of a public document so lately put into the possession of each member. What is the language used by the British Minister and your Secretary of State, from which the gentleman ventures to make his assertion? Lord Castlereagh, in his letter of November 4, 1813, says, that his Government is willing to treat "upon principles of perfect reciprocity, not inconsistent with the established maxims of public law, and with the maritime rights of the British Empire." In answer to this, Mr. Monroe states in his letter of the 5th of January, 1814, that the United States are willing to treat "on conditions of reciprocity consistent with the rights of both parties, as sovereign and independent nations." But, sir, does not the practice of impressment strike at the very sovereignty and independence of the American Republic; and, should Great Britain insist on continuing that practice, does any American believe it can be submitted to? No, sir, neither this nor any other Administration can remain in power, who will consent that the citizens of this country shall be subject to such degradation. If Great Britain persists in her claims to enter American vessels and take therefrom American citizens, under the belief or pretence that they are her subjects, no peace can, no peace ought to be made.

The same gentleman has said, that this is designed to be an army on paper only. Here, again, the fact does not warrant the assertion.

The design is to have an efficient army; an army which will make the enemy feel our strength; an army which will procure peace by their prowess and valor, if it cannot be otherwise obtained.

The honorable gentleman tells us he expects peace, and rejoices at the prospect. What, I ask, is the most rational course to be pursued to enable the gentleman to realize this prospect? Is it by placing your country in such a situation as to manifest to the enemy your inability to do him damage, or is it rather by calling out the resources of the country, which will enable you to carry on the war with effect should the negotiation fail? Suppose the gentleman should be disappointed, and the negotiation shortly to commence at Gottenburg should not result in a treaty, what then will be the condition of this country? You will then be engaged in a war without any of the means provided for prosecuting it. This is surely a state of things greatly to be deprecated, and, should the negotiation not succeed, this must be our situation, if the course advocated by the Opposition be adopted.

Sir, the true policy which should be pursued is plain and obvious. If a just and honorable peace can be obtained, accept of it. If the enemy will not make such a peace, be ready to prosecute the war vigorously until you force him to yield to your just claims.

The gentleman from New Hampshire (Mr. WEBSTER) advises us to abandon the project of conquering Canada, and turn our force to the ocean, and the will of the nation will go with us. Sir, does that gentleman believe we can safely rely on a declaration of this sort? Has it not been declared by the Opposition that this is an unjust and wicked war, and therefore they will not support it? Would changing the element on which it is to be carried on, change the character of the war, or the principles on which it was declared and is now supported? The same gentleman has said, that, as public opinion is so much divided, it becomes the duty of the majority to adopt the course recommended by the minority, and thereby produce union. We answer, that this war was declared to secure the sovereignty and independence of these States; that we consider its vigorous prosecution essential to their preservation; and, anxious as we are to see union restored, the sacrifice asked for is too great. And, in my turn, I would submit to honorable gentlemen whether it would not be more reasonable and more consistent with the principles of this Government, that the minority should surrender their opposition, and unite with the majority in prosecuting the war? They say, that all the men and money required by us shall be granted; but, what conditions do they impose? That they (the minority) shall make the application of the force. In fact, they contend for the principle that the minority shall substantially govern!

Sir, a sentiment I expressed at the last ses-

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sion, respecting the conduct of a portion of the Opposition, has been much complained of. I then said, and I now repeat, that those who systematically oppose the filling of the loans, and the enlistment of soldiers, are, in my opinion, guilty of moral treason. By this, I by no means intend to censure those who, in the exercise of a constitutional right, express their opinions freely against the expediency of having declared the war, or those who, from choice, withhold their own money from the public service; but those are intended who, after the respective laws were passed, exerted their influence to prevent others from carrying them into effect.

I wish gentlemen would discuss this point fairly and coolly with me. Sir, I challenge them to produce their arguments, and ascertain on which side truth is to be found. Take the case I formerly stated, and answer it. An individual goes over, joins the ranks of the enemy, and raises his arms against his country; he is clearly guilty of treason under the constitution, the overt act being consummated. Suppose the same individual not to go over to the enemy, but to remain in his own neighborhood, and by means of his influence to dissuade ten men from enlisting; I ask, in which case has he benefited the enemy and injured his country most? In the latter, no doubt; because he has weakened his country more than he would have strengthened the enemy by going over to him. In the fashionable language of the day, were I to inquire *quo animo* have men organized themselves to prevent the enlistments and filling the loans? the answer is clear—to weaken the United States, and give to the enemy the advantage over our arms.

Mr. CALHOUN did not rise, he said, to examine on what terms the President had assented to negotiate with the British Government; because he conceived it neither pertinent to the present question, nor proper at this time. He deemed it, however, his duty to state, that he wholly dissented from the construction which our opponents gave to the documents connected with this subject. If a proper opportunity should hereafter occur, he would be happy to present the reasons for his opinion on this point.

He was induced to occupy the time of the committee at present, to correct two essential errors, which gentlemen in the opposition have introduced into the discussion of this question; and, although not immediately connected with the merits of the bill, he thought it proper that they should be answered; because, from all that he had ever heard, as well on this as former occasions, it seemed to him that they constituted the basis on which the minority rested their justification. He alluded to the character which they gave to the war; and the claim set up in a political and constitutional point of view to justify their opposition. Gentlemen contend that this is not a defensive but an offensive war; and under that character undertake its

denunciation, without ever condescending to state what in their opinion constitutes the characteristic difference between them. He claimed the attention of the committee while he examined this point; and he hoped that it would not be considered as a mere verbal criticism, since our opponents have made the distinction the foundation of so much declamation against the war. The inquiry, in another point of view, he believed, would be useful. The people of this country have an aversion to an offensive war; which he supposed interpreted the meaning of the vehemence of the Opposition on this subject; while they readily acknowledge the possible necessity and justice of one that is defensive. It is therefore proper that our ideas on this point should be fixed with precision and certainty. He would lay it down as a universal criterion, that a war is offensive or defensive, not by the mode of carrying it on, which is an immaterial circumstance, but by the motive and cause which led to it. If it has its origin in ambition, avarice, or any of the like passions, then is it offensive; but if, on the contrary, to repel insult, injury, or oppression, it is of an opposite character, and is defensive. The truth of this position would not require much discussion. He conceived that it might safely rely on the authority of the best writers on the subject, or on its own internal evidence. It is only in this view that the prevalent feelings on this subject can be explained. If the distinction taken is a correct one; if the two species of war are distinguishable in their cause and motive, then our aversion to the one and approbation of the other is no longer a mystery—it is founded in the nature of things. But if, on the contrary, it is true that they are distinguished by the mere accidental circumstance of the mode of carrying them on, that the scene of action should make them the one or the other, then the feelings of this country, by which it condemns or approves of either species, is a profound mystery, never to be explained. In the view which he had presented, the difference between an offensive and defensive war is of the moral kind; and the American sense of justice accounts for their feelings. Their exemption from ambition and love of justice preserves them from the former, while their manly spirit and good sense will always make them cheerfully meet the other whenever it becomes necessary. What, then, is the character of the war in which we are now engaged? Was it dictated by avarice or love of conquest? He appealed to our opponents for a decision. They have already decided. When the resolutions of the gentleman from New Hampshire were under discussion, at the last session, it was repeated till the ear was fatigued, by every one on that side of the House who took any part in the debate, that if the repeal of the Berlin and Milan decrees had been communicated in time to the British Government, the Orders in Council would have been repealed; and, had

the last event happened, the war would not have been declared. They then have acknowledged, that the Orders in Council, and not the conquest of Canada, as they now pretend, was the cause of the war; and it would be idle to inquire whether to resist them was in its nature offensive or defensive. It would be to inquire whether they were or were not an injury to our commerce; a point he had never heard denied by the most obstinate debater. It would be equally so to examine whether the cause of continuing the war, to prevent our seamen from impressment, is of an offensive or defensive character.

Very few have the hardihood to deny that it is an injury of the most serious kind, both as it regards the Government, and the unhappy subjects of its operations. It involved the most sacred obligation which can bind the body politic to the citizen; he meant that of protection, due alike to all; to the beggar in the street—much more, if susceptible of degrees, to our sailors, that class of the community who have added so much to the wealth and renown of this country. Having thus established the character of the war in its origin and continuance, he would lay down as a rule not less clear, that a defensive war does not become offensive by being carried beyond the limits of our territory. The motive and cause will ever give character; all the rest are mere essential incidents. When once declared, the only question, even in a defensive war, is, how can it be carried on with the greatest effect. The reverse of this involves the most glaring absurdity. It supposes that we had determined to compel our enemy to respect our rights; and at the same time voluntarily renounced what is acknowledged to be the best and most effectual mode of producing that effect. On this point, as well as the cause of the war, the opinion of our opponents may be arrayed against themselves. What have they advised as to the mode of carrying on the war? Withdraw your troops from Canada, reduce your army, and limit your operations to the ocean. What! to the ocean? Carry the war beyond our own territory! make it offensive! The gentlemen surely do not intend to support an offensive war. To use their own language, it is too immoral for a virtuous and religious people. It is then admitted, that it does not cease to be offensive by its being waged at sea; how then can the carrying it into Canada change its character?

Mr. O. again observed, that it was a mere question of expediency where and how the war ought to be prosecuted. For his part, so long as it continued, he thought no effort ought to be wanting to reduce Canada. Should success accompany our arms, we would be indemnified for the privations and expenses of the war, by the acquisition of an extensive and valuable territory, and the permanent peace and security which it would afford a large portion of our country; and even, in the worst event,

should we fail of conquest, the attempt will not be without great advantages. The war in Canada is the best security to every part of our country. We have a very extended, and, from the thinness of the population, in many places weak seacoast. He did not believe that it had been neglected, as represented by the gentleman from New Hampshire; but he did believe that many points are, and must from necessity be, without efficient protection. He would, however, ask that gentleman, how did it happen that this coast, so easily assailed by a maritime power, has sustained little or no damage in a war that has continued upwards of eighteen months? If he is at a loss for an answer, the scheme of his political friend from Virginia, (Mr. SHEFFEX,) to confine our troops to the defensive, should it succeed, would the next summer amply explain the fact. The truth is, that the war in Canada is the security of the coast. It compels the enemy to concentrate the whole of his disposable force there for the defence of his own territory. Were the absurd policy to be adopted to confine the operation of our troops within our own limits, the whole of the enemy's force in Canada would be liberated from its defence, and the entire line of our seacoast menaced with destruction. The enemy, masters on the ocean, could act with such celerity, that it would be either impossible to defend ourselves, or it must be done at an expense greater than would be necessary to reduce his possessions. Thus, even under the limited view of defence, the most effectual mode is that which has been adopted—to carry the war into the enemy's country; and our opponents ought, according to their own distinction, to grant every aid in men and money.

Mr. O. said it now remained to consider the defence which gentlemen have made for their opposition to the war and the policy of their country; a subject which he conceives is of the greatest importance, not only as affecting the result of the present contest, but the lasting peace and prosperity of our country. They assume as a fact, that opposition is in its nature harmless; and that the calamities which have afflicted free States have originated in the blunders and folly of the Government, and not from the perverseness of opposition. Opposition, say they, is a very convenient thing; a wicked and foolish Administration never fail to attribute all of their miscarriages to it; and, in confirmation of this doctrine, they appeal to Lord North's administration. He did not intend to examine the particular case to which gentlemen have with so much parade referred, as it did not fall in the course of his argument; but he thought that it could be easily proven to be essentially different, in character and consequence, from the opposition in this country. He conceived, however, that it would be proper, before he examined the general position taken over the way, to make a single remark, as it related to the British Government, on this subject. It struck him, that all arguments

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drawn from it on this point must be essentially erroneous. A more determined and vehement opposition there, is not only justifiable, but in some measure required. The difference of the two Governments, in this respect, results from a difference in the organization of their respective Executives. In England, such is its power, patronage, and consequent influence; such the veneration, which its hereditary quality and long descent possess over the subjects of that Empire, that her most enlightened statesmen have ever thought that it endangered the other branches of her Government, and have with much wisdom, ever since the dawn of liberty in that country, strenuously opposed its encroachments. Very different is the case here, under a Government purely Republican. It presents neither the cause to justify such vehemence of opposition, nor the means of restraining it when excited. But, even as applied to our Government, he would readily acknowledge there was a species of opposition, both innocent and useful. Opposition simply implies contrariety of opinion; and, when used in the abstract, it admitted neither censure nor praise. It cannot be said to be either good or bad; useful or pernicious. It is not from itself, but from the connected circumstances, that it derives its character. When it is simply the result of that diversity in the structure of our intellect, which conducts to different conclusions on the same subject, and is confined within those bounds which love of country and political honesty prescribe, it is one of the most useful guardians of liberty. It excites gentle collision, prompts to due vigilance, a quality so indispensable, and at the same time so opposite to our nature, and results in the establishment of an enlightened policy and useful laws. Such are its qualities when united with patriotism and moderation. But in many instances it assumes a far different character. Combined with faction and ambition, it bursts those limits, within which it may usefully act, and becomes the first of political evils. If, sir, the gentlemen on the other side of the House intended to include this last species of opposition, as he was warranted to infer from their expression, when they spoke of its harmless character, then have they made an assertion in direct contradiction to reason, experience, and all history. A factious opposition is compounded of such elements, that no reflecting man will ever consider it as harmless. The fiercest and most ungovernable passions of our nature, ambition, pride, rivalry, and hate, enter into its dangerous composition—made still more so by its power of delusion, by which its projects against Government are covered in most instances, even to the eyes of its victims, by the specious show of patriotism. Thus constituted, who can estimate its force? Where can benevolent and social feelings be found sufficiently strong to counteract its progress? Is love of country? Alas! the attachment to a party becomes stronger than that to our country. A factious opposition

sickens at the sight of the prosperity and success of the country. Common adversity is its life; general prosperity its death. Nor is it only over our virtuous sentiments that this bane of freedom triumphs. Even the selfish passions of our nature, planted in our bosom for our individual safety, afford no obstacle to its progress. It is this opposition which gentlemen call harmless, and treat with so much respect; it is this moral treason, to use the language of his friend from Tennessee, (Mr. GRUNDY,) which has in all ages and countries ever proved the most deadly foe to freedom. Nor is it then only dangerous, when it breaks forth into open treason and rebellion. Without resort to violence, it is capable in a thousand ways to counteract and deaden all the motions of Government; to render its policy wavering, and to compel it to submit to schemes of aggrandizement on the part of other Governments; or, if resistance is determined on, to render it feeble and ineffectual. Do gentlemen ask for instances? Unhappily, they are but too numerous. Where shall they not be found? Admired and lamented Republics of antiquity!—Athens, Carthage, and Rome—you are the victims and witnesses of the fell spirit of factious opposition. Fatal fields of Zama and Chæroneæ! you can attest its destructive cruelty. What is the history of Polybius, and that of the other historians of the free States of antiquity? What the political speeches of Cicero, and the orations of Demosthenes, those models of eloquence and wisdom, but volumes of evidence, attesting that an opposition founded in faction, unrestrained by moderation and a regard to the general welfare, is the most dangerous of political evils. Nor does antiquity alone testify. The history of modern times is pregnant with examples. What, he would ask, have become of the free States of modern Italy, which once flourished in wealth and power—Florence, Genoa, Venice, and many others? What of the United Provinces and Switzerland? Gone; perished under the deadly feuds of opposition. Even England, with her deep-rooted and powerful Executive, has not been free from its pernicious effect. What arrested the war of Marlborough, when France was so humbled that, had it been continued, Europe might have been free from the danger which she has experienced from that power? What stayed the conquering hand of Chatham, when before his genius and power the throne of the Bourbons trembled to its centre? The spirit of factious opposition, that common cause of calamity, that without which liberty might be eternal, and free States irresistible.

MONDAY, January 17.

The SPEAKER laid before the House a certificate of the election of WILLIAM IRVING to serve as a member of this House, from the State of New York, in the place of Egbert Benson, resigned: which was referred to the Committee of Elections.

Naval Reform and Retrenchment.

Mr. W. REED, of Massachusetts, adverting to former inquiries into the expenditures, &c., of the Navy when that establishment was rather of an ephemeral than permanent nature, which had proved ineffectual, and which were much more important now that the Navy had assumed a greater magnitude, offered the following resolution, being precisely the words of one adopted at a former session in this House :

Resolved, That a committee be appointed to inquire whether any, and if any, what means of retrenchment and economy, of reform in the general management, and of extension and efficiency in the Naval Establishment, may be practicable and expedient ; and that they have power to send for persons and papers.

Mr. R. said that his motive for offering this resolution, was the general opinion that our Navy cost more money in proportion to its efficient force than any navy in the world. This circumstance he did not attribute to the fault of individuals in that department ; but he wished to be enabled to inquire into the defects of the system, if any, and if necessary to devise appropriate remedies. This was his sole object.

Mr. TROUP, of Georgia, moved to refer the subject to the Naval Committee, whose peculiar duty it would appear to be to inquire into such matters.

Mr. SEYBERT, of Pennsylvania, as a member of the Naval Committee, (in the absence of Mr. LOWMEDE, the chairman,) stated, on his part, a full conviction that nothing could be done effectually by that committee in such an inquiry as this. He referred also to the appointment of a committee on a former occasion on the subject, by which, although composed of many members, and authorized to act during the recess, nothing effectual had been done. Mr. S. did not believe they ever should get adequate information on this subject through the means of any committee of this House, or through any means short of a Navy Board, which alone can make the necessary reform. It is impossible that members of Congress, who have in general but little information on the subject of naval matters, or of the various branches of manufactures, should be able to obtain correct information on the various articles of growth or industry which enter into the composition of the navy, or make the necessary reform. With regard to the comparative expense of our Naval Establishment, Mr. S. said it was stated to him by the Chairman of the Naval Committee, from an examination of documents—and it was with surprise Mr. S. had heard the statement—that the persons employed in the naval service had, for the last year, cost less per man than those employed in the navy of Great Britain.

The resolution was then ordered to lie on the table.

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The House again resolved itself into a Committee of the Whole, on the bill authorizing the enlistment of certain regiments for five years, or during the war.

Mr. McLEAN.—Mr. Chairman, it is with diffidence I rise for the purpose of submitting any of my remarks upon the subject under investigation ; distrustful of my own capacity, and fearing lest I should obtrude on the time of gentlemen entirely capable of doing justice to the subject. Such considerations produce no inconsiderable embarrassment.

Already in this discussion has the spirit of partyism been excited to the most active exertions. Our language, so rich in expression, has been explored to give a loose to all the feelings of virulence. It is in vain at this late period to lament this unfortunate variance of opinion—the time has long since passed by when this difference of sentiment took place. Its causes I shall not attempt to trace, nor are my powers adequate to show the train of unfortunate consequences that have resulted. Nothing would afford me greater pleasure, if I could cover with the mantle of charity scenes that have frequently transpired. Although I do not presume to call in question the motives of any gentleman on this floor, yet I may be permitted to say, that it is extraordinary, indeed, that no important measure has been transacted by the Administration or advocated by the majority for a series of years that has not been fundamentally wrong. So often has the alarm been given—so accustomed have the majority become to hear the changes of national ruin rang by the gentlemen of the Opposition that they are no longer startled at the sound. The Administration of this Government, although it has been by gentlemen in Opposition repeatedly denounced, its competency arraigned and its motives questioned, still retains, and will continue to retain, the undiminished confidence of a large majority of the American people. No aid is requisite for its vindication—it is founded upon a basis too firm to be shaken by the prejudiced suggestions of any. When this conflict of party shall have ceased ; when those who take the most distinguished part in this opposition, together with the Administration, shall have been consigned to the tomb, it will become the task of the dispassionate historian to record the history of his country—his pen will be the messenger of truth, and he will do the Administration justice, which is now by many denied. Sir, I hazard nothing in saying that posterity will find the events of the present Administration on one of the fairest pages in history.

As the causes that immediately produced the war have not been investigated by gentlemen who have preceded me, in imitation of their example I shall avoid entering into any discussion of them. I will only remark, that under accumulated injuries, but seldom, if ever, borne by any nation, our Government continued to remonstrate. Our wrongs were urged with an eloquence irresistible to any except those who were steeled against conviction, and such were the British Ministry. Restrictive measures were resorted to—the embargo, afterwards the non-intercourse ; with increased force our diplomat-

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ists continued to urge the rights of their country. These measures were intended to coerce the enemy. If he were deaf to reason and justice, it was hoped interest might prevail. The serious effects produced on Great Britain by the restrictive system adopted by this country, it is unnecessary on this occasion to show. What was the stand taken by gentlemen in the opposition on this critical juncture? Like many others, I speak from information. As usual, they denounced the measures of the Government. It was charged with a want of energy. It was emphatically called upon to assume that dignified station its consequence justified. That, if the national rights had been infringed, and suitable reparation refused, to have recourse to the last resort of injured nations. That there existed just cause for war, the candor of many admitted.

The Administration, steady to its purpose, sought the continuance of peace by negotiation. A repetition of injuries still greater and more alarming spoke the language of the British Government. The point of utmost endurance at length arrived—to have passed it would have been to have prostrated the national rights—to have yielded the inheritance secured by the Revolution. Sir, I speak the language, the emphatical language of the American people. The voice of a majority in this Government—the declarations of some gentlemen notwithstanding—is the voice of the people.

It has been well observed, that an injury to property, however extensive, is susceptible of reparation; that the wound is incurable only when inflicted on national honor or national independence. War was recommended—war was declared. Surely those gentlemen who called for energetic measures, now that the Administration had recommended them, were found active in their support. As usual they denounced the measures of the Government. French influence was reiterated from one end of the Continent to the other; anathemas were poured forth against the Emperor of France. It was loudly asserted that the war was produced through his intrigues. The Government was charged with the grossest partiality in selecting the enemy; and as an irrefragable proof, it was triumphantly asked, why a declaration of war was not made against France. No circumstance could have been more fortunate than the call for this measure by an honorable gentleman from Kentucky. It tested the ground of opposition. No circumstance could have taken place that ought more completely to have silenced the clamors of French influence. War was called for against France by a Republican member; it was voted for by a considerable number of the same party, and not more than three or four of the Opposition gave it their sanction. That we had received great injuries from France, no one ever denied; nor do I believe an instance can be cited where an individual of the majority became the apologist of France, or attempted to mitigate her enormities.

The important question now presented is, have we cause for the continuance of the war? Is it proper from the opening prospect of peace to relax in any degree our measures for its prosecution? Is not this the most favorable time for filling the ranks of our army? Suppose the Orders in Council are repealed, does that act heal the bleeding wounds of our country? Are the thousands of American seamen now held in British servitude—taken by force—retained by force—and compelled to fight the battles of our enemy, are these to be neglected and forgotten? We are perpetually told that Great Britain never claimed the right of impressing American seamen. This is literally true; but so long as every petty officer in the British navy is permitted to take British seamen from on board our ships, the rights of American citizens will be disregarded; the complement of men to man the ships of His Majesty will be obtained the first opportunity offering, whether they be Englishmen or Americans. In vain the American sailor informs them the place of his nativity, and claims America for his country. His protection is torn in pieces, and to the loss of liberty is added the keenest insult to himself and his nation. Is it an object with a magnanimous people to stop this source of human misery and national degradation? And is such an object dearly obtained if it cost the price of blood? Sir, the obligations are reciprocal between a citizen and his Government. The citizen owes allegiance, the Government protection. The Government punishes a citizen for treason; it would be unjust not to vindicate his rights. The protection of individuals was the great object in the institution of Government. The strong arm of the community must be raised in behalf of the violated privileges of one of its members; a Government that refuses this is unworthy of confidence, the sooner it is dissolved the better.

How are we to obtain reparation for injuries we have sustained and security for the future? Should the negotiation at Gottenburg fail, how is an honorable peace to be had? But two alternatives are presented. We must obtain the object of our contest by a vigorous prosecution of the war, or we must seek peace by submission? Shall we expect justice by remonstrance? The Administration sought it in this way, until it became a by-word with the Opposition. Shall we indeed bear our wrongs to the foot of the British throne, and beseech His Majesty in his tender mercy to grant us justice? I hope no man in this nation is prepared for this state of degradation? Before such national debasement, I trust Massachusetts would arise from her slumbers; she would call to recollection the tragedy of Bunker's Hill; the shade of her Warren would be seen;—it would be enough, and more than enough; she would rise in her strength, put on the armor of her power, and present her phalanxes in the field as she presented them in the Revolutionary struggle.

The important inquiry is presented, how are we to prosecute the war with the greatest effect? We are told by some gentlemen in opposition, that all our operations for the conquest of Canada will prove ineffectual. Some say it is morally wrong to attempt it; and it is stated by others, that Great Britain cares very little about her Canadian possessions. The importance of this territory in the estimation of the British nation, was manifested by the extravagant rejoicings that took place on acquiring it. Her General Wolfe was immortalized, though he fell in the struggle that attained it. If the acquisition at that period was deemed so important, at the present time it must be infinitely more important that it should be retained. When it was acquired, Great Britain claimed the more valuable portion of North America; should it now be wrested from her, she would lose with it her last foothold on this Continent. I can discover no peculiar force in the objection on the ground of morality. If it be immoral and cruel to carry our arms into the Canadas, because distress is thereby brought upon their innocent inhabitants, the same objection would equally apply against the prosecution of all wars. We cannot reach personally the authors of our injuries: in all wars the innocent suffer, for they fight the battles of their country. Will our efforts for the conquest of the Canadas be in vain? Hold out proper inducements for enlistments—recruit the ranks of our army—concentrate our forces, and the auguries of gentlemen notwithstanding, I have no fears but in another season we shall be able to possess ourselves of their strongholds and carry the American standard to the walls of Quebec. Would it be politic thus to direct the operations of our arms? We resorted to war for the purpose of obtaining redress for injuries. The infliction of the greatest possible injury on our enemy within the usages of nations, is promoting the object of the war. Take the Canadas, and we act in accordance with this policy. Gentlemen in opposition protest against an offensive war; they cannot therefore give their assent to measures for the encouragement of military operations in Canada. They call upon the majority to give over this conquest; resort to measures only calculated for defence—place the energies of the nation on the ocean, the theatre of our glory, and then their co-operation shall most heartily be given. The glaring inconsistency of this proposition has been exposed by gentlemen who have preceded me. The minority refuse aid to forward our military operations in Canada, because they are offensive. Are not our operations on the ocean equally offensive? And yet to the latter their co-operation is offered. In answer to an objection stated, that it would require more troops to guard our frontier than would be sufficient to look down all opposition in Canada, it has been said—withdraw our troops from Canada, let it be understood that no offensive operations would take place against that country, and our frontier would remain unmolested. Then it ap-

pears this is the kind of defence to which gentlemen are willing to give their co-operation. To rest upon the faith of the Canadians, taking it for granted they will do us no harm, if they were to remain unmolested by us. Sir, I am unwilling to rest the defence of our country and the protection of our citizens upon such a security.

The necessity of union is so obvious, and has been so eloquently touched, that further arguments are unnecessary, if I were capable of advancing them, to enforce it. When I open the volumes of antiquity, I find many Republics have existed, that are no more! They live only on the faithful page—no vestige of liberty is found to mark their former limits! their fall presents awful beacons to warn us of our danger? We are pointed to the cause of their ruin! Rome was divided, and Rome lost her liberty! Carthage was divided, and Carthage lost her liberty! Athens was divided, and Athens lost her liberty! That country, once the seat of science and of freedom, where orators unrivalled with their eloquence charmed the ears and enraptured the souls of the listening Greeks, has now become the abode of wretchedness and slavery! Mr. Chairman, my spirit sinks within me when I reflect upon the mutability of human institutions, and that the same causes, sooner or later, will produce the same effects! Shall the time indeed come, when the sacred charter of our Union and our rights will exist only on paper? Then it may in truth be said that the soldier of the Revolution has fought, and bled, and died in vain! I beseech gentlemen to cease this dangerous extent of opposition. Willingly will I disarm myself of prejudice, and seek, in conjunction with them, such a course of measures as are best calculated to perpetuate the blessings of our Government. I will sit down with the admonitory language of the Father of his Country: "United we stand, divided we are in danger of falling."

Mr. THOMAS WILSON spoke as follows: Mr. Chairman, four grounds have been chiefly relied upon in opposition to this and the former bill, to wit:

1st. Badness of the cause of war. On this I shall offer no remarks at this time.

2d. Badness of its object, assumed to be the conquest of Canada. This, when emphatically termed "the object," is imaginary altogether. The conquest of Canada has never been either a motive to commence the war or a primary object; but, with the gentleman from Pennsylvania, I hold it to be an incidental but an indispensable object—not a primary object, but an inevitable consequence, without which I must say, with the gentleman from Louisiana and others, this country cannot be defended in a war with our present enemy from the most destructive invasion.

The observations of the gentleman from New York, on Saturday, occur at this moment. He advanced it with the utmost apparent confidence, and with an air of the most towering triumph, as if to confirm irresistibly all the novel doctrines we have heard so boldly advanced on

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the one side, and so ably refuted on the other, about chaining down our regular as well as militia force within a line, whilst the enemy is at liberty to attack where and when they please. Let Canada alone, said he; withdraw your armies, and you have nothing to apprehend in that direction from the enemy. Now, this could be nothing more than a strong expression of mere opinion; a proposition which could scarcely be accredited from an accredited Minister of Great Britain; an opinion without a shadow of support from reason, and in the very face of fact. Did not the enemy invade your territory at Michilimackinac without a knowledge that you had anywhere invaded his? If so, he commenced the invasion. He has continued to invade your territories from that moment to the present hour, carrying rapine, conflagration, and murder into every accessible point on all your borders, from Chicago to the shores of Lake Champlain, and from New York to New Orleans. In conjunction with the murderous savage, he has summoned your garrisons, demanding their surrender upon pain of indiscriminate slaughter of your old men and your infants, man and woman, soldier and citizen. Next after Michilimackinac, we remember the fate of Chicago, the invasion at Detroit, at River Raisin, at Fort Meigs, Fort Wayne, Sandusky, Buffalo, Manchester, Lewistown, Fort Niagara, Sodus, Oswego, Sackett's Harbor, Ogdensburg, and the villages on Lake Champlain. Will their invasion cease if you withdraw your armies? No supposition can be more extraordinary. Would the enemy suffer you to draw your forces to the seacoast, to become invulnerable there, and, undisturbed, employ your whole resources in naval preparations? No, sir; withdraw your armies, and I may say, on grounds as reasonable, at least, as any the gentleman from New York has advanced to the contrary, before the first of September next, the enemy will have not only put to flight, or desolated, or destroyed the frontier on all your border, from Lake Champlain to Lake Superior, but, unless resisted by more than one hundred thousand men, will have penetrated your country to Albany on the East, and Pittsburgh on the West. Has not a mere handful of the enemy's forces recently destroyed the strong Fort Niagara, spread flames and desolation for forty miles along the strait, driven before it a Major General's command, and put the country to flight near fifty miles in an interior direction? And, strange to imagine, this very circumstance is urged in argument against the bills to augment the Army!

I repeat, sir, withdraw your armies, and the degree of destruction I have imagined is not exaggerated, unless you have a positive treaty of peace for one side of your country, whilst the other is at war; unless Great Britain is thus converted into our faithful friend, in one section of our country, whilst the same power is waging with remorseless fury a war of extermination in another. Why? Because the enemy would have the power and the will to do so. The

power, evidently, in the undisturbed possession of an overgrown military establishment in Canada; the will, because a sufficient motive is to be found in the diversion of your resources from defending your seacoast against his plundering squadrons, and from the increase of your naval means. I do not think the gentleman from South Carolina has succeeded, in the admirable manner common to that gentleman, in the view he took of the importance of Canada. His remark is certainly true, but had not all that point and force which I am used to look for whenever he speaks. The defence of Canada, said he, tends to save your seacoast, and accounts for the small degree of success your enemy has had in that direction. It would be still more true, to say the position of the enemy's military establishment in Canada, enables him at pleasure to exhaust your resources in interior defence, to the exposure of your maritime frontier, and thus keep down your naval means also, or to penetrate and destroy your country. Would he not act thus barbarously? I would only inquire whether, if it be in his power, would the public law of Europe restrain him? Ask your impressed seamen! Ask the survivors of Le Raisin, of Chicago, of Fort Meigs, or the relatives of a murdered family; the perishing families along the Niagara; or inquire of those who have survived the Revolution? Is it impossible for him to commit murder without the hand of a red man? By other hands he may commit a still blacker murder. The only means by which you can restrain him must be held in your own hands, or, believe me, there is no safety. For these very ends are the strongholds in Canada maintained. Quebec (a term said to import a narrow passage, a strait) is the gateway at which the greatest evils of a war with England can enter; it is an entrance at which the enemy comes upon your rear and takes every advantage; an entrance into a spacious country, having an inland seacoast of greater extent than the Atlantic; and, if a line can shield his forces in their passage along this border until time and place unite to serve his purpose, I repeat, once more, this country would become an easy conquest, or rather, an unresisting victim. But I am laboring to prove the sun shines at noonday, to the satisfaction of those who see it. Gentlemen would vote an army provided you will pledge yourself that it shall not cross a line which separates your territories from those of the enemy. To my conception it would be just as reasonable to require as the condition, that it shall march without arms and be bound in fetters whenever the enemy approaches. Such appears to me this ground of objection.

A third ground, was the impossibility of success in the contemplated invasion, and the little worth of the possessions in question, if success was possible. It was at last admitted, by one gentleman, that you possibly might succeed in gaining possession as far down the St. Lawrence as Montreal, but no farther—the fortress of Quebec would stand impregnable; whilst an-

other gentleman contended that Canada could not be taken, because it must be done by drenching its soil in the blood of its inhabitants. Now, this whole ground of argument, as well as every branch of it, I would rank among the strongest that can be urged in favor of these bills. The more competent your force, the less probability or necessity will there be of shedding blood; and, if the fortress of your enemy is already of such gigantic strength, this only furnishes another, and a cogent proof that its reduction is indispensable to your own defence. To the same effect is evidently all the extraordinary resistance already experienced. All go to prove irresistibly that the enemy has been intrenching himself, preparing his weapons of war, and accumulating strength, whilst we have slumbered in security and peace. Still, there have been strong indications that he doubted his ability, effectually to resist our force; and, should we now persevere, and convince him that we can and will, whenever a state of war requires it, tumble all his strongholds about his ears, he will be the less inclined to re-possess them. But if we fail, we have every reason to fear the test will give him strength beyond his most sanguine expectation; he will be stimulated to new exertions, with greater confidence and strength than heretofore. Then, sir, would you be compelled, indeed, to keep on foot an overgrown peace establishment, to oppose fortress to fortress, soldier to soldier, when none are necessary. Other, and still more immediate considerations, recommend the most immediate exertion of the utmost energy to invade and conquer your enemy in Canada. He threatens in express terms your citizens, prisoners of war, with death—has them confined in dungeons; holds them, unfortunately for us, in considerable numbers—besides more than six thousand of your citizens in prison ships, fighting against you, and against their will. He threatens, moreover, in express terms, still greater devastation on your seacoast. Take, then, his strongholds in Canada without delay, before his succors shall arrive, and before the approaching summer shall secure his armies a retreat.

A fourth ground, the last I shall notice, was this: the incompetency of the Administration to conduct the operations of the war, attempted to be proved by the recital of numerous instances of misconduct heretofore. Upon this ground the particular observations were made which furnished my decisive reason for troubling the committee at this time. In enumerating the various instances of misconduct exhibited in order to establish the fact of incompetence or turpitude, rendering the Administration unworthy to be intrusted with an additional force, we have had a recapitulation of nearly all the military movements from the commencement of the war to the present time, without much discrimination between defeats and victories, and not only no credit is given, but a large share of censure is attached to each circumstance. The capture of York and Fort

George, says the gentleman from New York, (Mr. MILLER,) were palpable defects in a campaign; for which the responsible officer was suspended indeed, but ought to have been arrested—especially for not making Kingston the first point of attack instead of York, and because the garrison of Fort George was suffered to escape. One remark which I shall offer in reply to these observations, will apply equally to all. The decision of the gentleman precedes instead of following the inquiry recently called for by an almost unanimous vote of this House: so, therefore, must necessarily be whatever may be said in reply to those facts and arguments. Some facts, however, are well known, some of notoriety, and some by official correspondence; others are probable, and some merely possible; which, with the obvious deductions, may be fairly though prematurely adduced to rebut accusations, and still more so decisions which are premature. Was not York the capital of the Province of Upper Canada, an important depot of troops and stores and of Indian supplies, placed at the very point for immediate conveyance to the Northwestern Indians in case of any obstruction on the accustomed route?—a large detachment of the British army garrisoning the place, and, what is perhaps still more important, a large vessel was on the stocks in a state of great forwardness. It is known also, I believe, that a considerable flotilla of the enemy had wintered there. Is it certain that the commanding General had no discretion, or, if he had, that there were no circumstances rendering it proper first to attack this post? It is certainly a harbor earlier open than that of Kingston, which I am not certain was free of ice at that time. The same remarks, except the last, apply equally to Fort George, the stores at each were forward on their passage to the Northwest; and, had Kingston been first attacked, would have reached their destination without interruption or the necessity of retaining their forces to second it. Had not astonishing alacrity been used in preparing for their attacks, and were they not conducted with admirable order and celerity? The garrisons escaped indeed, as they preferred flight to determined resistance; probably to prevent it was impossible—to pursue was all that was practicable. Might not even this have been difficult or impracticable immediately to execute, without artillery or cavalry, as an army must have been on first landing, and for some time after, in a country abounding in wood, ambuscades to be apprehended, and roads abated with the greatest ease?

WEDNESDAY, January 19.

*Resignation of the Speaker, &c.**

The ordinary business of the day having been gone through—

The SPEAKER addressed the House in the following terms:

* Appointed a Minister in the joint commission to treat for peace.

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Turreau's Letter.

[H. OF R.]

"GENTLEMEN: I have attended you to-day to announce my resignation of the distinguished station in this House with which I have been honored by your kindness. In taking leave of you, gentlemen, I shall be excused for embracing this last occasion to express to you personally my thanks for the frank and liberal support the Chair has experienced at your hands. Wherever I may go, in whatever situation I may be placed, I can never cease to cherish, with the fondest remembrance, the sentiments of esteem and respect with which you have inspired me."

The SPEAKER having left the Chair, and it remaining vacant—

Mr. FINDLAY, of Pennsylvania, moved that the House come to the following resolution:

Resolved, That the thanks of this House be presented to HENRY CLAY, in testimony of their approbation of his conduct in the arduous and important duties assigned to him as Speaker of this House.

The question having been put on this resolution by the Clerk, it was decided in the affirmative—for the resolution 144, against it 90.

A motion was then made to adjourn, and negatived—for adjournment 70, against it 90.

On motion of Mr. PORTER, of Rhode Island, the House proceeded to the choice of a Speaker.

Messrs. MOORE, JOHNSON, and WHEATON, were appointed tellers; and having counted the ballots, Mr. MOORE reported, that the whole number of votes given in being one hundred and sixty-five, eighty-three were necessary to a choice; that of these votes there were—

For LANGDON CHEVES	-	-	-	94
FELIX GRUNDY	-	-	-	59
Scattering	-	-	-	12

and that LANGDON CHEVES, having a majority of votes, was duly elected Speaker of the House.

Mr. CHEVES was accordingly conducted to the Chair, and made his acknowledgments to the House in the following words:

"GENTLEMEN: I thank you for the flattering and distinguished honor you have conferred upon me. The best acknowledgment I can make of the gratitude which I profoundly feel, will be expressed in the exertion of every faculty I possess, to prove that your favor is not entirely unmerited. I am aware of the importance of the station to which you have elevated me, and of the difficult nature of the duties which it imposes; a difficulty to discharge them with reputation, not a little increased by the great ability with which they have been executed by the gentleman who has just descended from the Chair; but with your support I shall not despair. Err, I undoubtedly often shall; and when my errors shall be calculated to affect, in the smallest degree, the interests of the House or the nation, I shall court your correction, and submit with cheerfulness and pleasure to your authority; but if they be immaterial, as frequent differences of opinion between the House and its presiding officer can add nothing to its dignity, and may diminish his usefulness, I shall ask, what I fear I shall too often need, your kind indulgence."

The oath to support the Constitution of the United States was then administered to him by Mr. FINDLAY, one of the Representatives from the State of Pennsylvania; and then the House adjourned.

THURSDAY, January 20.

Turreau's Letter.

The following Message was received from the PRESIDENT OF THE UNITED STATES; which was read and laid on the table:

*To the House of Representatives
of the United States:*

I transmit to the House of Representatives a report of the Secretary of State, complying with their resolution of the 12th instant.

JAMES MADISON.

JANUARY 19, 1814.

DEPARTMENT OF STATE, Jan. 18, 1814.

The Secretary of State, to whom was referred a resolution of the House of Representatives, of the 12th instant, requesting the President to lay before the House any correspondence with, or communication in writing from the late Minister of France, on or about the 14th of June, 1809, or by his successor since, prescribing the conditions on which their Sovereign would consent to treat of amity and commerce with the United States, &c., has the honor to make to the President the following report:

That, of the transactions which took place in the Department of State, before the Secretary of State came into office, which was in the year 1811, he has no means of acquiring a knowledge, other than from the archives of the Department, or from the persons intrusted with their safe keeping.

That he has caused the files of the Department to be carefully examined for a communication described by the resolution of the House of Representatives, and that none such has been found of the date therein referred to, or of any other date, from the former Minister of France, or from his successor, or any trace or evidence of such a communication; that he has also inquired of the Chief Clerk of the Department, who has been in that office since the year 1807, concerning the same, and whose statement is annexed.

That no such communication was ever addressed to the Secretary of State by the present Minister of France.

All of which is respectfully submitted.

JAMES MONROE.

DEPARTMENT OF STATE, Jan. 18, 1814.

I know not how I can more clearly state every thing that I know relative to a letter which was recently published in some of the public prints, from General Turreau to Robert Smith, Esq., and which I suppose to be the communication alluded to in the resolution of the House of Representatives of the 12th instant, than by observing, that when that letter, as published, was shown to me by a gentleman of this office, I told him I could not say whether it was genuine; that some parts did not appear new to me, but that other parts of it did. We immediately looked at General Turreau's file, and no such letter was there. I then observed, that if it was genuine, it must be the letter from General Turreau which had been withdrawn.

The fact of one of his letters, which I had translated for Mr. Smith, having been withdrawn, I distinctly remember, though I cannot speak with certainty either of its date or of its contents, more than four years having elapsed since I saw it; but I remember it was considered exceptionable, and that Mr. Smith directed me not to put it on the files, but

to lay it aside. I can add, too, that it was the only letter from General Turreau which to my knowledge was ever withdrawn.

This letter was withdrawn by a gentleman attached to the French Legation, who called at the Department of State to get it, and it was delivered to him, either by Mr. Smith himself, or by me under his directions. When this was done I cannot now recollect, nor have I any means of ascertaining, except by reference to a subsequent event, which happened in the month of November, 1809. I allude to the dismissal of Mr. Jackson. For I remember, in a conversation I had with Mr. Smith respecting that occurrence at the time it took place, he observed that he supposed General Turreau would now be glad he had withdrawn his letter.

In what way the translation of this letter has got into the public prints I know not, nor do I know where or by whom it was taken from this office.

JOHN GRAHAM,

Chief Clerk Department of State.

Extension of Enlistments.

Mr. KING, of Massachusetts, addressed the Chair as follows:

Mr. Chairman: It is with great reluctance that I rise in this debate; nothing but an imperious sense of duty could have compelled me—especially at this protracted period of it—after those brilliant displays of genius, learning, and eloquence, which, with pleasure and instruction, we have witnessed from both sides of the Hall. In this brilliant contest they appear like brothers of the same national family; and the same spark of divinity moves and animates them in debate. Such instances add celebrity to our national character. In that every American has an interest: and though they are above emulation, still each individual may claim his proportion of the honor. I have only to regret that those gentlemen in the majority who have thus distinguished themselves, had not a better cause to advocate; and that my friends in the minority, who have at least equally distinguished themselves, could only deserve success.

Speaking, sir, of national character, and of what tends to ascertain and extend it, I should do injustice to unrivalled merit, and to my own feelings, did I not advert to our Navy—a Navy identified with glory itself; the heroes of which, if I may be permitted the allusion, have fixed the stars of our flag in the Heavens, as a new and brilliant constellation in this Western hemisphere; a sign in which we conquer; our heavenly guide to victory.

When, sir, from these brilliant objects, I bring down my mind to your mouldering, dispirited, I might add, disgraced Army, and to your contentious boasting Generals, I can scarcely persuade myself that they belong to the same nation, and form a part of the same system. And when I extend my view further and consider your seacoast, from the Mississippi to the St. Croix, invested by the hostile squadrons of your enemy; and when I turn my attention to your northern frontier, and behold it, for a long distance, wrapt in flames, and its distressed

and defenceless inhabitants flying before an exasperated foe, and the sacred soil of our country in the possession of that foe, I could almost wish for power to call down the vengeance of Heaven upon those rash and guilty men who have drawn our country into the vortex of misery and ruin. "O, my soul, come not thou unto their secret; unto their assembly, mine honor be not thou united!"

When, sir, this Administration declared their war against England, they proclaimed to the world, what they were pleased to consider its justifying causes: Those citizens, who were opposed to this Administration and to their war, published to the world what they deemed its causes. The one relied upon the illegal blockades, impressment, and the Orders in Council of Great Britain. The other imputed it to the art, duplicity, and intrigue of the imperial despot of France. Perhaps a combination of these causes led to the calamitous result; though without French intrigue it never would have been produced.

But I have another view of this subject to which I solicit the attention of this House, and of the American people. I consider this war as the necessary and inevitable result of that policy and system of measures, so long pursued by the present and immediately preceding Administration, under Mr. Jefferson and Mr. Madison. Yes, sir, I consider this war, connected as it is with your embargo and your internal system of taxation, which indeed grew out of it, as bringing to an important issue before the tribunal of the American people, the great question for a long time depending between the rival parties in America, as to the correctness or incorrectness of their respective systems of measures. It is indeed a momentous, a solemn question; involving the Administration of our Government, the existence of our federal institutions, and the happiness or misery of the American people. Yes, sir, upon the judgment which that people shall pronounce upon that issue, their existence as a free people depends. Do thou, O God! interpose thine eternal wisdom, and lead their minds to a correct decision.

If, sir, under Washington, this people advanced with a more rapid progress than any nation under heaven, to national respectability and happiness; and if the same people, under the Administration of Jefferson and Madison, have been deprived by them of most of their national blessings, and are rapidly declining, from their proud elevation, into misery and discontent: can they for a moment hesitate to which to give the preference; can they not instantly decide which is their bane, which the antidote? To the intelligence of the American people the decision is with confidence submitted.

I have remarked, sir, that I consider the present war of the Administration as the necessary result of that system of measures, if system it can be called, in relation to our own country and to foreign nations, which has been so long and so obstinately persevered in by Mr. Jeffer-

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son and Mr. Madison. This system was first proposed by Mr. Jefferson, when Secretary of State, in his laborious and celebrated report to Congress in 1793, on the privileges and restrictions of our commerce in foreign ports. Upon which report were predicated the equally celebrated resolutions proposed by Mr. Madison, then a representative from Virginia to Congress, in January, 1794. In the debates upon these resolutions, Mr. Madison and the other advocates thereof, contended, as we are informed by the distinguished historian of that period, Chief Justice Marshall: "That the propositions submitted by these resolutions, were the strongest weapon America possessed, and would, more probably than any other, restore her to all her political and commercial rights." They further urged them on the ground of justice to France, by whom it was said our ships and produce were more favorably received than by Great Britain, or, in the language of the day, "The primary motive of these resolutions, as acknowledged by their defenders, was not the increase of agriculture, manufactures, and navigation, but to humble Great Britain and build up France." (And the same motive has most preposterously actuated those defenders to this day.) "And that if Great Britain should retaliate, the effects of a commercial conflict would be felt by her much more sensibly than by the United States."

Thus were thickly sown the tares of that system of commercial warfare, which have since sprung up and ripened into non-importations, non-intercourse, embargo, and war. Well might the political writers in Great Britain consider this system as war in disguise; well might they view it as a system of coercion, acting upon the distresses and discontents of their manufacturers, laborers, and mechanics. But what is indeed most surprising in the progress of this business is, that Great Britain was disposed to, and actually did consider it, though aimed principally against her, as merely commercial restriction or municipal regulation. While France, which it professed to build up, in some instances, considered it as hostile to the rights of her subjects and the dignity of her empire.

I will now, sir, read, if not for the information of the House, at least for that of the American people, (and I shall make no apology for drawing their attention afresh to the subject,) a part of the memorable letter of the 5th of August, 1810, from the Duke of Cadore, the French Secretary, to General Armstrong. A letter, I presume, which will never be forgotten by the American Government or people, as forming a part of one of the most infamous cheats and frauds that ever disgraced the Cabinet of that intriguing nation; and which, instead of having been the foundation of a friendly proclamation, might with more justice have been made the foundation of a declaration of war.

"PARIS, August 5, 1810.

"I have laid before His Majesty, the Emperor and King, the act of Congress of the 1st May.

"His Majesty could have wished that this act, and all other acts of the Government of the United States which interest France, had always been officially made known to him.

"The Emperor had applauded the general embargo laid by the United States on all their vessels, because that measure, if it has been prejudicial to France, had in it at least nothing offensive to her honor.

"The act of the first of March has raised the embargo; and substituted for it a measure the most injurious to the interests of France.

"This act, of which the Emperor knew nothing until very lately, interdicted to American vessels the commerce of France, at the time it authorized that to Spain, Naples, and Holland, that is to say, to the countries under French influence, and denounced confiscation against all French vessels which should enter the ports of America. Reprisal was a right, and commanded by the dignity of France, a circumstance on which it was impossible to make a compromise. The sequester of all American vessels in France has been the necessary consequence of the measures taken by Congress.

"Now Congress retrace their steps; they revoke the act of the first of March; the ports of America are open to French commerce, and France is no longer interdicted to the Americans.

"In this new state of things, I am authorized to declare to you, sir, that the decrees of Berlin and Milan are revoked, and that after the first day of November they will cease to have effect; it being understood that in consequence of this declaration the English shall revoke their Orders in Council, and remove the new principle of blockade which they have wished to establish, or that the United States, conformably to the act you have just communicated, shall cause their rights to be respected by the English.

"It is with the most particular satisfaction, sir, that I make known to you this determination of the Emperor. His Imperial Majesty loves the Americans. Their prosperity and their commerce are within the scope of his policy."

Let us first see what figure an American Congress makes on this French canvass. Offended by one of your laws of mere municipal regulation, (and so considered by Great Britain,) the haughty tyrant says—"Reprisal was a right, and commanded by the dignity of France;" then calmly adds—"The sequester of all American vessels in France has been the necessary consequence of the measures taken by Congress." He then insultingly subjoins—"Now Congress retrace their steps." Ay, sir, Representatives, Senators, and President, all—all "retrace their steps." The tyrant frowns—they stop; he seizes all American property—they retrace their steps; he commands it, and they repeal the obnoxious statute; or, in other words, and in his imagination, they fall prostrate at the tyrant's feet! Then, indeed, as the noble Duke has the satisfaction of stating, "His Majesty loves the Americans!"—"His Majesty loves the Americans!" Yes, sir, it is

even so written, "His Majesty loves the Americans!" He loves the Americans! and seizes, sequesters, and condemns all the property within his reach. He love the Americans! and immure our defenceless sailors in his dungeons! His very smiles (if such a monster ever does smile) are to betray; his friendly professions, treachery; his love destruction; an alliance with him, would be the unnatural conjunction, by a tyrant of antiquity, of a dead corpse with a living body. Not the tiger crouching for his prey, nor the lion roaring for his food, is more to be dreaded than this scourge, this pestilence, this death. I would spurn from my country his love, his professions, and his treachery.

Still "His Majesty loves the Americans; their prosperity and their commerce are within the scope of his policy." No doubt, sir; no doubt, when within the scope of his power. But this kind "Emperor is pleased in aggrandizing the United States," by stripping their unprotected citizens of all the property within his grasp, and expecting hereafter to aggrandize the United States by generously declaring them a territory of France, and by elevating them to the dignity of his Empire, adding to his other titles that of Lover of the Americans. How was it possible, sir, that any man in his senses could have been deceived by a paper like this? How was it possible for your President to give it the least faith or credit? It carries treachery and deceit on the face of it. Yes, sir, on this deception was predicated the fatal proclamation of your President of the 2d November, 1810, whereby he proclaimed to the world that, on the day before, at a place more than three thousand miles from him, a certain fact had happened, essential to the validity of that proclamation, but which, in truth, did not take place till April after, and which was not promulgated till May, 1812, in season to effect the rescinding of the British Orders in Council; in such time that neither fact should be known in this country till after your declaration of war; and the intent of that declaration was the subject of conversation in Paris before it was in America. Our Government had certainly agreed with that of France to declare war by a certain day, (say the first of June, 1812,) unless the British Orders in Council should be rescinded before that day. And they did but too faithfully keep their word.

Sir, Congress themselves did not believe that the French Decrees were repealed so late as March, 1811, when they re-enacted the provisions of your non-intercourse law, which had been attempted to be revived by this proclamation. And Bonaparte, though solicited to save the apparent veracity of your President, intending to add the grossest insult to the highest injury, would not condescend to found his repealing decree upon that proclamation, because he well knew it was a mere dead letter, as his decrees were not repealed when that proclamation was issued; but he founded it upon the act of March, 1811, as an act of resist-

ance to British aggression. The only concession he made to the proclamation, was to suspend a few condemnations, though not any of his captures or seizures. Is it not then apparent that our Government has by this imperial despot been grossly deceived? Willingly and blindly led on, step by step, to a situation from which they could not recede without disgrace and dishonor to themselves, or go forward without distress and ruin to their country?

"Alas, their dazzled eyes

Beheld this man in a false glaring light,
Which conquest and success have thrown upon him!
Did they but view him right, they'd see him black
With murder, treason, sacrilege, and crimes,
That strike my soul with horror but to name 'em!"

Attend for a moment, sir, to the declarations of your President himself, in his three Messages preceding this session. You will find him speaking in relation to France of "authorized expectations," "amicable professions," "negotiations procrastinated to the latest date." Ay, sir, this procrastination is indeed the very thief of time—of millions of American property—and of a large proportion of our national spirit and reputation. In his Message at the last session he speaks of "delays before so unreasonably spun out." Yes, sir, spun out indeed! And he will continue to spin them out, so long as you condescend to send him the raw material. Yes, sir, here were spun those halters which, in the appropriate language of an eloquent gentleman on a former occasion, were by France so twisted round the necks of this Administration, that nothing but the sword of war could sever them.

Why then disgrace our country by keeping your Minister dancing attendance at the court of this proud, sanguinary, and faithless tyrant? Is Republican America to be the only nation to prop his tottering throne? Thank God the "tyrant falls, and the world again is free!" Let us, then, emancipate our country from this imperial slavery! and with the immortal bard exclaim—

"Then be these juggling fiends no more believ'd,
That palter with us in a double sense;
That keep the word of promise to our ear,
And break it to our hope."

FRIDAY, January 21.

Right of Expatriation.

Mr. ROBERTSON rose to offer a resolution to the House. He said it had always struck him as singular that there was nothing in the constitution or the law which points out the manner in which one of the most important rights belonging to man in his social character is to be exercised. He meant the right of expatriation. Some provision on this subject had become important from circumstances which have lately occurred, and the more so, because of the doctrines affecting it which have recently been broached in the nation, and which, but a few years ago, would have been scouted by all parties. Whether the right was denied or admitted, it was important that the question should be

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Right of Expatriation.

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settled. As far as the subject has been before the people of the United States, the opinions have been various and contradictory; as far as the subject has been before the courts, they have decided that the right of expatriation does not exist, and a decision more contrary to the spirit of the constitution never was given in any court of the United States. He alluded to the familiar case of Isaac Williams, decided before Judge Ellsworth, of Connecticut. The disposition of the Legislature, as far as manifested by its acts, was favorable to the right of expatriation. It was time that some definite decision should take place in relation to it. In draughting the resolution, he had gone upon the ground that the right of expatriation was clear, natural, and inalienable, and required no legal provision to fortify it, otherwise than by prescribing the manner in which it shall be exercised. He admitted that the Constitution of the United States did not directly give this right; neither did it give a thousand other rights which we exercise in society. It did not, in terms, give the right to move beyond the horizon which bounds our view; but no man doubts the right. The constitution, however, does impliedly give the right of expatriation. It gives a right to the citizens of other countries to come into the United States and be naturalized; a right which cannot be given or admitted by any community that denies the right of expatriation. Mr. R. said he did not wish this important question to rest merely on inference. He wished that every citizen might have it in his power to turn to the statute books of the country, and show explicitly, when he thinks proper to expatriate, that he had availed himself of the right in the manner prescribed by law.

It need not excite any alarm, that our citizens will too freely avail themselves of the privilege. The best way of keeping our citizens at home is to make them free and happy. Odious must be the Government or laws which make a man willing to leave his country. But when, if ever, his country deprives him of his rights, of every thing desirable to man, let us not make that country his prison, but give him the power of legally removing himself from beneath its control. With these observations, Mr. R. submitted the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of providing by law for the exercise of the right of expatriation, and that they have leave to report by bill, or otherwise.

Mr. OAKLEY, of New York, made some remarks which were not very distinctly heard by the reporter. He said, however, that the resolution embraced a question at any time interesting, and particularly so at this time. How far the right of expatriation ought to be extended was a question of great importance. When it was considered, also, that a negotiation was pending with a foreign power, in which this principle was involved; and, when it was considered that the Government might find it

necessary to make concessions on this point, and to restrict naturalization, it became important to approach the question with much circumspection. It was a well-known fact, not only from the decision which the gentleman had quoted, but from other circumstances of public notoriety, that there was a difference of opinion whether the right of expatriation does exist. Not only in a general point of view, but from the particular circumstances in which the United States are placed, this question was very important. The adoption of a resolution of this kind, to appoint a committee of inquiry into the expediency of providing by law the mode of expatriation, might, perhaps, be considered as establishing the principle of the right, which ought not thus hastily to be settled. He moved that the resolution lie on the table.

Mr. FISK, of Vermont, said he had heard with some little surprise the reasons assigned for laying this resolution on the table, and the quarter from which they proceeded surprised him more than the doctrine itself—that the resolution ought not to pass, lest it should interfere with our negotiations with Great Britain. We were told the other day, said he, that we, or the Government, had struck our flag. But is it come to this, that we are afraid to inquire into our own municipal regulations lest we offend our enemy? Under such circumstances as this, can it be expected that our enemy will be very yielding in negotiation? Will not a refusal to agree to this resolution be acknowledging, in language too plain, that we are about give up this point? Will it not be saying we are ready to yield them whatever they ask—in other words, their maritime rights? The question now before the House is merely, that we should inquire into the propriety of giving to man as much liberty as the God of Heaven gave him at his birth, and does not for a moment depend on the feeling of any foreign nation. If we mean to be independent, we must be so in whole and not in part; we should maintain our rights unceasingly. Shall we now hesitate whether we shall inquire into this subject, lest it should affect the negotiations with an enemy whom we are determined to fight forever unless she yields? We had better say at once, that the Representative branch of the Government has become so timid that it dare not inquire into our municipal rights for fear the enemy should not like it. He would not for a moment hold out such an idea.

Mr. CULPEPER, of North Carolina, said this was a subject of importance, and well worthy of consideration. He was of opinion, however our municipal regulations might interfere with those of other nations, it was the duty of this Government to do its own business in its own way, and therefore he was opposed to the resolution's being laid over.

Mr. CALHOUN, of South Carolina, said he hoped the resolution would be ordered to lie on the table. It seemed to be acknowledged that its adoption might have a tendency to embarrass negotiation. He was not certain how far

that idea might be correct; but if by possibility it could have that tendency, its adoption was surely not advisable. Mr. O. wished for time to reflect on this subject, and he did not see why that time should not be granted. It was a question of great delicacy under every aspect, and one which they could not decide affirmatively or negatively without embarrassment. A state of war did not appear to him the best time for agitating such a subject, at least it ought not to be hastily disposed of.

Mr. MACON, of North Carolina, expressed his surprise at the nature of the objections which had been urged to this resolution. Could any regulations be made by treaty, he asked, declaring that the people of this country should not go where they pleased? It was impossible to imagine that that right could come in question in any negotiation with foreign powers. If this subject was one of difficulty, as was contended, he believed the sooner it was looked to the better. But, notwithstanding this belief, the only reason for departing from this general rule to vote for any motion to lie on the table, on the request of any member, was the declaration of a gentleman, that he meant by that motion to put the question at rest for the session.

Mr. JACKSON, of Virginia, said he had really been surprised to hear gentlemen allege that the adoption of a resolution, or passage of a law on this subject, would have any possible effect on any pending negotiation. If, for the first time, the question was proposed to establish the right of naturalization, of which expatriation is the necessary correlative, then the expediency of agitating the question at this moment might be doubted. But the constitution had expressly declared that Congress should possess the power of naturalization; and would they now controvert the principle established in the constitution, by denying to our own citizens the right to expatriate? If foreign nations desire to inquire into the disposition of the Government in this respect, let them look into our charter; they will find the principle of naturalization ingrafted there. This idea of expatriation was by no means novel, Mr. J. said, in the State to which he belonged—where there was an act of expatriation of which persons might avail themselves. He could see no objection to this proposition at this time. Indeed, if this war continued, of which all hoped to see an honorable termination, it was indispensable, with a view to that state of things, that some provision should be made on the subject of expatriation. A citizen going into Canada and returning, and thus committing treason, alleges, on detection, that he has expatriated; and if tried as a spy of the enemy, alleges that he is an American citizen. Some regulation was necessary to prevent this collusion, and, whether peace or war prevailed, it was proper that the question should be settled definitively in some way.

Mr. RHEA, of Tennessee, observed that all that had been said of this motion affecting negotia-

tion &c., ought to have no effect. To refuse the passage of this resolution on the grounds on which it had been opposed, was to contest that principle of the constitution by which Congress are authorized to make laws relative to naturalization; for it was a known truth that naturalization and expatriation belonged to the same subject; because there can be no naturalization without previous expatriation. The arguments against this motion apply as strongly to the constitutional provision on this head, which was just as likely as this motion to impede negotiation. Mr. R. said he had known nothing of the design to bring forward this motion; but, having been brought before the House, he considered it his duty, under the solemn obligations of the constitution, to vote against any evasion of it, as was proposed.

Mr. FARROW, of South Carolina, said, laying the motion on the table would not affect a future decision on it. The subject never having before occurred to his mind, were he now to give a vote on it, it must be at hazard. As it was advisable to commune further together before they decided on it, he was therefore in favor of laying it on the table.

Mr. WARD, of Massachusetts, said he was as ready as any gentleman in the House to investigate this subject, and, if the right exists, to make the necessary regulations; but, if voting to lay the resolution on the table implied an acknowledgment of the principle therein assumed, he should not vote for it. The gentleman had laid down the right of expatriation as inalienable, and had at the same time informed the House that a person named Isaac Williams, notwithstanding he had taken the oath of allegiance to another power and received the character of a foreign citizen, had been punished, as a citizen of the United States, with fine and imprisonment. If such had been the administration of justice by a high tribunal, it was strong evidence to him that the law was against the position the gentleman had assumed; because the proper guide on points of law, where there was no *lex scripta*, was the decision of judicial tribunals. The gentleman from Virginia had instanced the law of that State giving this right. If there was a law giving this right there, it was strong evidence that there was no such right before the law passed; and, certainly, if the right was inherent, as contended, no law of Congress was necessary to give it. Mr. W. said he should have no objection to vote for a resolution which should bring the whole question before the House; but he could not vote for a resolution which assumed the existence of the right of expatriation.

The question on laying the resolution on the table was decided in the affirmative.

Extension of Enlistments.

The engrossed bill authorizing the enlistment of certain regiments for five years, or during the war, was read a third time.

Mr. POTTER said he thought the war inexpe-

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dient, and voted against it, and should vote against this bill, to raise more men to carry it on. That he had been in hopes the question would have been taken without debate, at least on the side of the minority. That although he was opposed to this bill, yet he thought it much more equitable to raise soldiers, as was now contemplated, by enlisting and giving a large bounty to induce them to enlist voluntarily, and make the rich pay the money, than to adopt the conscriptive system proposed, as he understood, by the Secretary at War, by classing the whole body of militia into as many classes as there were soldiers wanting, and to make every class furnish one during the war, or to have one draughted from each of them; which would be the means of compelling the young and very poor men, to do all the duty and bear the burdens of the war, while the rich, and those who are excused from doing duty in the militia, would be excused.

He said he should have taken no part in this debate, but to exonerate himself from some charges of inconsistency, made by the gentleman from Kentucky, (Mr. McKee,) who said the minority had opposed and defeated all the measures of the Administration. That an embargo was laid in 1807, as a precautionary measure, and that it was raised by opposition. Not so, Mr. P. said, the caution was not necessary; as the commerce of the country was never more prosperous than at that time, as the result demonstrated; as, out of five hundred and ninety-four vessels that sailed by permission during that embargo, nearly all of them returned in safety to this country with valuable cargoes, and the risk was hardly a common sea risk; and as it respected the repeal of the embargo, it was repealed by those that laid it, not in consequence of opposition, but in consequence of its reaction upon the people of this country, the nakedness of the Treasury, and the indisposition to direct the internal taxes, knowing the effect they had once before upon the people of this country; and he said he believed the present embargo would be defeated by its friends, and for the same causes.

Mr. P. said, if a stranger should come into that Hall, unacquainted with the constitution of this country, he would suppose, from the confession of the majority, that the minority governed, as they are charged with raising the embargo, with preventing laws from being passed, with preventing Great Britain from doing us justice, and preventing our Administration from chastising of them;—that the minority made the war, have prevented enlistments and loans, have divided the country, have prevented the conquest of Canada, and are the means of continuing the war;—a very strong minority indeed to have more power at home, and more influence abroad, than the constituted authority of the nation!

Mr. P. said the Administration never had been obstructed or impeded by opposition. It had been by their own divisions and jealousies,

as well in the Cabinet as in the Senate and House of Representatives, and by defalcations of many large States, who had promised much and done very little. That the minority never had made an unreasonable opposition, nor would it be in their power, if they were so disposed, as the majority can pass any law they please, and whenever they please. Mr. P. said, if the President of the United States, with his means of information, could not have selected from his political and personal friends four gentlemen having the same general and political interest with himself that could agree with him in his measures—and the war party in the Senate and House of Representatives would not agree with each other, advocating the same interest—how could they expect the minority to agree with them? They have no right to expect a thing so unreasonable. Mr. P. asked, what had become of the Cabinet he saw a few years since? Where were the late Secretaries of State, War, and the Navy? And from whence came Turreau's letter, but from their own divisions? And he said the present Cabinet seemed to him to be made of discordant materials, and if the public should hear something from some of them, at some future day, he should not be surprised. Mr. P. said it was convenient for the majority to lay all the misfortunes and distresses of the country, occasioned by their own divisions, jealousies, defalcations, and misconduct, to the minority; but it was unjust in the extreme—they did not deserve it—they had not deceived them—they had promised them nothing. But it is now said that the nation was in war, and that the minority ought not to find fault, but to join in prosecuting it. This, to be sure, is an excellent doctrine for those in power. How would this reasoning have sounded in the ears of the minority, in the year 1798, when they were opposing all the measures of Administration, on account of loans, taxes, armies, and war? The Opposition did not then believe that as soon as war should be made that their mouths were to be shut, and that they must then act against their wills and better judgment, and support the Administration; and believe that to be right, then, that they knew in their own consciences to be wrong before. This principle, once admitted, puts an end to all opposition; and when the party in power, by their mismanagement, shall have forfeited the confidence of the people, they will have nothing to do in future but to declare war against any nation with or without cause, and perpetuate themselves in power.

Mr. P. said it had been said by the gentleman from Pennsylvania, (Mr. INGERSOLL,) that opposition in this country was different from that in England—that there it was against the King and Ministry, but here it was against the people. Mr. P. said he would ask if the opposition in this country, in the years 1798, 1799, and 1800, against the then Administration for loans, taxes, and war, was for or against the people? And if for the people, then, how much

more must it be in their favor now, in opposing the same measures in a much better degree. That Administration had not the benefit of experience, and did not understand financiering as well as the present. They created an eight per cent. stock, and as he had understood, sold it above par. The present creates a six per cent. stock, and sell it under par, getting about eighty-eight dollars for a hundred—making the interest about the same, losing in principal what they save in interest. At that time an individual in good credit had frequently to give twelve per centum per annum for money. At the present, such a person can hire money for less than half that premium. At that time we had an army of about 5,000 men, and hired about \$5,000,000. At this time we are to have an army of 70,000 men, and contemplate borrowing \$30,000,000 for this year. If, therefore, the opposition to the Administration in 1798 was in favor of the people, most assuredly this must be.

As it respected opposition, Mr. P. said he hoped always to see one, let who would be in power. He considered them the sentinels and friends of the people, and he never wished to see a majority of more than ten in that House, and then six honest men might save the nation. He said, in proportion to the strength of the majority, he believed the liberties of the people in danger; and he thought they had more to fear from a few violent men, in a majority, who condemn and proscribe the moderate men of their own party, than from an Opposition. When the majority is large, if a few moderate, well-disposed men, who have independence to judge for themselves, and whose integrity has placed them above the reach of their party, feelings, and who, from principle, will not go all lengths with the most violent of the party, are proscribed by the party here, and denounced at home, and more violent men sent in their room; from such a course of conduct the people have much to fear. But if the majority is small, from the influence of a few good men, the nation has much to hope.

Mr. P. said, as it respected the war, it was not occasioned by opposition; it was brought about by newspapers, by public excitement, by high party men, in and out of that House; by many who expected appointments, and who were now enjoying them; by resolves of public meetings, and resolutions of democratic Legislatures, pledging their lives, fortunes, and sacred honor, to the Administration, to aid in prosecuting the war; those were the measures that had brought this country into its present situation. And if the Administration should now be compelled to make a dishonorable peace, they will not be driven to it by opposition, but by their pretended friends, who have done much to get them into their present difficulties, and will do very little to help them out of them.

Mr. WHEATON.—Mr. Speaker: Although a majority of this House thought fit to decline considering a resolution introduced a few days

ago by an honorable gentleman from North Carolina, (Mr. GASTON,) affording a more appropriate ground on which the great subjects of war and peace might receive a free and candid discussion, yet I think the minority may acknowledge some obligation to the majority in permitting such an extensive range as has been gone into by gentlemen on both sides, in debating the question of the passage of this bill; and that obligation I shall feel with peculiar sensibility, if indulged but for a few moments in making some remarks upon it myself, knowing, as I do, that they have assumed the power, whenever they shall have the will, by the application of the previous question, to strike this whole assembly in an instant dumb.

Sir, I am opposed to the passage of this bill, because its professed object, and no doubt its real object, is to give support and continuance to the war in which the Government of this country is at present so unfortunately engaged. In the justice of this war, at its commencement, I never boasted any very strong faith; of its expediency I always doubted, and now further to progress in it, I think would be not only impolitic, but wicked.

I do not pretend that the people of this country had sustained no injuries from the contending nations of Europe. From Great Britain we had suffered some, and from France infinitely more. Great Britain had captured some of our property; France had added insult to her robberies; France therefore should have been included in our declaration of war, if it had been proper for us to go to war with either. In commencing war against Great Britain at the time that we did, we were, in my opinion, unjust to ourselves, and faithless to our engagements. While professing to be impartial, in this we did an act of great partiality; for, after passing a number of years in bitter but fruitless complaints against the Governments of both those nations, Congress did, on the 1st day of May, 1810, pass a law, a law which after times and circumstances have proved to have been most unwise and impolitic, whereby we did, impliedly at least, engage that if neither of them should rescind or repeal their obnoxious orders or decrees, we would do no more than complain, or, if we did, that our resentment should be turned equally against both; but that if one of them should rescind, we would allow the other three months to deliberate on the expediency of rescinding also, before we would put ourselves in an attitude of resistance against the one that should refuse or neglect so to do. This was done to try the sincerity of each of those Governments, who had each professed that their orders and decrees were merely retaliatory upon the other, and that they should cease on one side, whenever they should be revoked on the other. Of this law France took the advantage, and, operating on the credulity of our Administration, induced them to take promises for realities, and thus inveigled them into a war with Great Britain. Great Britain had not the three

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months, as allowed her by that law, in which to repeal her orders. For it will not now be pretended that the French decrees were revoked, in fact, until April, 1811, nor until, by passing the non-importation act, we had manifested a disposition of determined hostility towards Great Britain, in consequence of which the French revoking decree was professedly issued; nor was that revoking decree made known to Great Britain, nor even to our Minister in France, until within about a month of our declaration of war; and the British Orders in Council were repealed very soon after information of that act of the French Government was received. The conclusion, therefore, is, that we did not act with good faith in making the declaration of war at the time it was declared, and consequently it was unjust. That the declaration of war, at the time it was made, was highly inexpedient, a consideration of the state of things in our own country and in the world, at that period, and a number of years immediately preceding it, must force conviction upon every reasonable mind. Out of the wars in Europe grew all the mischiefs of which we complained. France issued her decrees to destroy or obstruct the commerce of Great Britain, and Great Britain issued her Orders in Council to weaken or retard the war operations of France; and thus, while both those nations were trying which could do the other the most harm, they both did harm to us; but this harm to us, as it grew out of, so it must have terminated with their wars. And, in the mean time, from those very wars, so unprofitable to them, we were reaping advantages vastly more than sufficient to balance all the evils and inconveniences we suffered from them. The commerce of this country, after deducting all the losses occasionally sustained by British or French captures, was producing an aggregate of profit far beyond what we had ever enjoyed before, and beyond what we could expect to enjoy when the state of things of which we so much complained should be changed. Was it then wise in us to bring curses upon ourselves when in the lap of blessing; to abandon at once such a state of "successful experiment," because we had not obtained an entire exemption from the evils inseparable from the present state of man, and plunge ourselves into a destructive war that must necessarily destroy much positive good that we actually enjoyed, and at the same time increase for the present, without affording any prospect of ever diminishing, those very evils? How much better would it have been for us, while all Europe were in arms, to have preserved a course of impartial neutrality, as recommended by the great Washington, and not have become a party to their wars? Thus we should have continued to have thrived upon their calamities; should soon have been able to discharge our national debt, and still have our treasury full, and our country in universal prosperity; and then we should be able suitably to resent a denial of our just claims by any nation

upon the globe. But, instead of pursuing this wise and prudent course of policy, as if tired of prosperity, we shackled and restrained our very profitable commerce by acts of embargo and non-intercourse, until our public funds were exhausted, and many of our citizens reduced from affluence to poverty; and then rushed precipitately into a war against one of the most powerful nations in the world without previous preparation, and which now cannot be carried on without intolerable taxation upon the people. Indeed, its ill success hitherto but too well shows how unadvisedly it was begun; and now to continue it, would not only be bringing misery upon ourselves, but showing that it is a misery that we deserve. For the ostensible cause for which it was commenced has long since ceased; and shall we progress in a war merely to gratify our thirst for conquest, and with a miserable prospect of success too, and thus cause thousands more of our innocent but deluded people, to fall unpitied victims at ambition's shrine? Surely such folly can only be accounted for upon the principle, that Heaven infatuates whom it determines to destroy. Were I to afford any aid or comfort to the declared enemy of the country, I should be guilty of treason to an earthly Republic, fast approaching, as I fear, to its dissolution; and were I voluntarily to afford any aid or comfort to this war, thinking as I do upon the subject, I should be morally guilty of treason to the throne and monarchy of Heaven. The minority in this House, together with those who neglect to use their personal influence to give encouragement and popularity to the war, or that have refused to lend their money to carry it on, have been on this floor denounced as moral traitors. But, I apprehend there has been a mistake in the application of the crime of "moral treason." It may be committed by acting in conformity with, as well as against the laws of the Government. It is indeed a crime unknown to human laws, but well defined in that law written by the finger of Heaven on the heart of every man, and sanctioned by severer penalties than racks or gibbets can inflict. History, both sacred and profane, has furnished sad instances of moral treason, as well as some noble examples of resisting every temptation to that odious offence. Socrates, when reduced to the dreadful alternative of renouncing his doctrine of immortality, as required by a law of his country, or receive a draught of the hemlock, had been guilty of moral treason had he preferred the former to the latter. The Christian martyrs had been moral traitors, if they had sacrificed their consciences to the decrees of violent and wicked men.

Judas, indeed, was a moral traitor, though a faithful friend to the Administration; conscience was the court in which he was tried; there his sentence was filed; thence issued the warrant for his execution, and he went out and hung himself. Felix (I mean the Roman Governor) was a moral traitor. All that had a hand in

the crucifixion of the Saviour of mankind, were moral traitors. It was said they had a law, and that by that law he ought to die, though obliged to confess that they could find no fault in him. I hope, therefore, that the charity of the honorable gentleman who introduced the subject of moral treason, convinced, like his namesake of old, that there is no fault in us, will lead him to impute our opposition to his war measures to a conscientious belief that they are now mere projects of ambition—offensive to Heaven, and destructive to the best interests of the people of this country.

The main question was then put on the passage of the bill, and decided as follows:

YEAS.—Messrs. Alexander, Alston, Anderson, Archer, Bard, Barnett, Beall, Bowen, Bradley, Brown, Butler, Caldwell, Calhoun, Chappell, Clopton, Comstock, Conard, Condict, Crawford, Creighton, Crouch, Davis of Pennsylvania, Denoyelles, Desha, Earle, Eppes, Evans, Farrow, Findlay, Fiak of Vermont, Fiak of New York, Forney, Forsyth, Franklin, Gholson, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hubbard, Humphreys, Ingham, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, Macon, McCoy, McKee, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ridgely, Ringgold, Roane, Roberts, Sage, Sevier, Seybert, Skinner, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey—90.

NAYS.—Messrs. Baylies of Massachusetts, Bigelow, Brigham, Champion, Ely, Hale, Hufty, Mosely, Pearson, John Reed, Taggart, Ward of Massachusetts, White, Wilson of Massachusetts, and Winter—15.

SATURDAY, January 22.

Another member, to wit, from New York, WILLIAM IRVING, elected to supply the vacancy occasioned by the resignation of Egbert Benson, appeared, was qualified, and took his seat.

MONDAY, January 24.

Two other member, to wit, from New York, SAMUEL M. HOPKINS and NATHANIEL W. HOWELL, appeared, and took their seats.

ISAAC WILLIAMS, jr., also appeared, was qualified, and took his seat, as one of the Representatives from the State of New York, in the place of J. M. Bowers, who has been declared not entitled to a seat.

Blue Lights.

Mr. LAW observed that there was a subject which for some time past had caused much speculation, and excited some irritation. It has appeared in a variety of shapes, and given rise to many observations. It has been the theme of public prints. It has been solemnly introduced in debate on this floor—it has been ushered before the public, through the Head of a Department, and has acquired unusual currency, and some degree of credit, by the manner in which it has gained publicity. That which was at

first mere rumor, has, by a species of official acts, become in some measure confirmed; and characters, perhaps not intended to be embraced, have been implicated, and exposed to crimination and reproach. From zeal to impute blame to one class of citizens, it may, on due examination, be found they have cast odium on men of another description, whom I presume they had no intention to injure. Eager to spread the story, they may find, on further inquiry, they have involved their friends as well as those they deem their enemies. Had the subject been confined to vague rumor, it certainly would not have deserved the trouble of an examination in this place. But when we consider it comes before the public in the form of a letter addressed to the Head of a Department, from a highly-distinguished and meritorious officer, and through that channel is issued to the world with a sort of official authenticity; when we consider it has been more than once repeated by honorable gentlemen within these walls; and, above all, when we consider on whom the stigma must attach, if the report be founded on fact, it rises above idle report, assumes a character of importance, and presents a subject for investigation not beneath the dignity of this House. I allude to the *blue lights*, so called, which are said to have been displayed at or near the harbor of New London, in the manner stated by gentlemen some days since in this place; for surely no men ought to rest under such foul reproach, without proof of the fact. It is a charge, if not of direct treason within the limits of the constitution, in adhering to the enemy, giving them aid and comfort, is at least a charge of giving that enemy light and information, whereby they may be better able to carry on the war, check the movements and defeat the operations of our own ships. The resolution I am about to submit is not induced from a belief in my mind that it is correct in fact; for I have no hesitation in declaring it as my belief, grounded on information derived from gentlemen in that vicinity, of the first respectability, that it is incorrect. Nor do I seek the inquiry because I think the State from whence I came can be chargeable with acts which the constitution forbids; or that I am willing to believe my native town contains among her citizens men so abandoned as to light torches, as signals to the enemy, which would in all probability lead to the destruction of their own dwellings. The conduct of the citizens of Connecticut is well known, and gratefully acknowledged by the General Government, in protecting their property, when they were unable to protect it themselves—their conduct in keeping at bay the proud and insulting ships of Great Britain, which, without their voluntary aid, might have captured or destroyed a part of that Navy which sustains our hopes and buoys up the national character, would seem to forbid and preclude all suspicion against them as the perpetrators of such deeds. Sir, the State of Connecticut has felt a pride in protecting that

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charge, unfortunately committed to their care. But if men, of whatever station or politics, are to be found, who attach to them the slightest suspicion of treachery, in relation to the American ships now in that harbor, they will, on a plain statement of facts, at once dismiss their jealousies, and acquit that State and its citizens from the charge raised against them, or the suspicion, if it does not vanish, must be extended to others for whom they are not responsible.

It will be recollected, that Commodore Decatur arrived with his squadron in the harbor of New London the beginning of June last, being driven into that port by a superior British force which has continued to invest that port, and will continue to blockade it, doubtless with an intention of depriving the country of the skill and exertion of that valuable and distinguished officer, during the present war. At this time, one year after war was declared, the United States had not troops at that place adequate to the protection or defence of the ships; at this critical moment the State of Connecticut, although not approving of the war, called forth her patriotic sons, and the inhabitants of New London were not backward on the occasion to protect the coast of the country, defend their own soil, exposed to danger by the acts of the General Government, and resist the enemy. At the beat of the drum, they repaired to the scene of danger; they occupied the adjacent heights; they guarded the points of the harbor and defended the coast. For months, during the time these watchmen, faithful to themselves and their country, were on duty in your service, no charge of disloyalty was heard against them—no surmises of treason were circulated against the citizens. About the first of November, the United States having collected, as was supposed, a competent number of troops, and having repaired the fort on the east side of the harbor, the detachments from Connecticut were dismissed, with the thanks of that State and the approbation of the General Government. From this period the United States troops, occupying the forts on each side of the harbor, commanded the adjacent heights, kept or ought to have kept guards on the points near the enemy's ships, to watch his movements and detect any improper intercourse from the shores. Yet on these very heights and points, these wicked torches, these mysterious lights, are said to have been raised, if they were exhibited as represented. Now, sir, I know the officers commanding on this station; they are faithful and honorable men—and I am bound to presume they have performed their duty; but the report casts censure on them, or at least implies a neglect of duty and want of vigilance in them, which I am unwilling to attach to them, without further proof. The subject merits inquiry; if the report is correct let the censure fall on those who have incurred it—if incorrect, let the reproach be wiped away. With a view therefore, to ascertain the facts correctly, I move the following resolution:

Resolved, That a committee be appointed to in-

quire whether any treasonable correspondence has been held, or information given, by means of blue-lights, or signals by fire, given from the shores at or near the harbor of New London, in the State of Connecticut, to the blockading squadron off that harbor, whereby the enemy might learn the state, condition, or movements of the American ships under the command of Commodore Decatur, now in that port; and that the committee be authorized to take evidence by deposition, or otherwise, as they shall deem necessary, and report thereon to this House.

The House agreed to consider the resolution.

Mr. MOSELY.—Mr. Speaker, I hope the resolution offered by my honorable colleague will be agreed to, and that a committee may be appointed to make the inquiry proposed. It could, perhaps, hardly be expected that this subject of blue lights should claim the attention of this House, were it not for the consequence given to it by the various circumstances which have just been stated by the mover of the resolution, and which I need not repeat.

Sir, as a citizen of Connecticut, I feel no particular solicitude, lest the character of that State should suffer by any representations which have been made, or which may be made on this subject.

From the best information I have been able to obtain, I am very much inclined, with my colleague, to discredit the reports which have been put into circulation respecting these blue lights. I am induced to believe, that upon due examination it will be found, that there has been some mistake in this business. But, admitting that these blue lights have in fact been seen in the manner represented—it is clear from the statement made by my colleague, who resides at New London, and must be perfectly acquainted with the situation of the country, as well as from the representation made by a great number of the most respectable citizens of that place, that they could not be made by any private person without detection. Troops of the United States were standing each side of the harbor, and, it is to be presumed, they would guard each of the points where these blue lights are said to have been exhibited.

There are, or ought to be, guards or patrols constantly maintained, and especially in the night season. No person could, therefore, without discovery, exhibit these lights at the places where they are said to have been seen. It follows, therefore, if they were indeed seen, as has been represented, either that these troops must have been criminally inattentive to their duty, or themselves privy to the deed. Neither of these conclusions ought to be drawn upon slight ground. And this view of the case makes it more important that the proper inquiry should be had. I hope, therefore, that the subject may be duly investigated by a committee of this House, and that the public may be possessed of the true state of facts respecting these blue lights, which have excited so much attention and assumed so much importance.

Mr. GRUNDY, of Tennessee, said the sensibili-

ty displayed by the gentlemen from Connecticut on this subject was most honorable to themselves; and he certainly concurred with them in the hope that upon examination it would appear that no portion of the people of that State were capable of an act so base and dishonorable. So far, however, as his mind had been impressed, he differed from the gentleman who appeared to think there was no foundation for the report. It ought to be recollected that the commander of the American squadron, whose authority could not be questioned, had stated what was his impression, derived from the information of the officers and men under his command. The same impression was confirmed on the mind of Mr. G. by the statements of newspapers on the spot conducted by those who differed from him in politics, narrating the circumstance which had been alluded to. He should vote for the inquiry, but he did not wish to see a departure from the regular course. The inquiry belonged properly to the Naval Committee, he conceived—because it was the Navy which was intended to have been particularly injured by the exhibition of those lights. He moved to amend the resolution so as to refer the subject to that committee.

Mr. FISK, of New York, said he was sorry to hear a wish expressed by the gentleman from Tennessee for the proposed inquiry. When he looked at the principle of this motion, he trembled at the consequences of its adoption. What was the principle? It was nothing more than a proposition to exercise, through a committee of this House, the inquisitorial power to inquire whether treason has been committed in a particular instance. He hoped no such precedent would receive the sanction of the House.

Mr. EPPEs, of Virginia, remarked that the adoption of such a resolution as this would place the House of Representatives in an awkward situation. It was unquestionably the right of the House to inquire into all things connected with subjects of legislation; but, to justify this inquiry, it ought to be for some specific object. He, therefore, proposed to amend the motion, so as to constitute a committee to inquire into the expediency of providing by law for the punishment of persons who hold out blue lights to the enemy, or commit other acts of a like nature, not amounting to the crime of treason.

Mr. CALHOUN, of South Carolina, said this was not an object worthy the attention of the House, because it was too diminutive. The object avowed by the mover, that is, to defend the character of the State of Connecticut from injury on this head, was not a sufficient one for this House to proceed upon. No one had been cruel enough to charge the act in question on the citizens of New London, or on the State of Connecticut. He hoped it would lie on the table.

And the question was taken to lay the resolution on the table, and decided thus: For laying it on the table, 89; against it, 42.

So Mr. LAW's motion was laid on the table.

TUESDAY, January 25.

Prohibition of Ransom.

The House, on motion of Mr. CALHOUN, resolved itself into a Committee of the Whole, on the bill to prohibit the ransoming of ships or vessels of the United States, and the goods or merchandise on board the same, captured by the enemies thereof.

The blank, for the time after which it shall have effect, was filled with the first day of April.

Considerable desultory discussion took place on the principle of the bill, which was opposed by Messrs. POST and GROSVENOR of New York, and WARD, PICKERING, and RICHARDSON of Massachusetts; and supported by Messrs. CALHOUN of South Carolina, WRIGHT of Maryland, and FISK of Vermont.

In opposition to the bill, it was said that it was contrary to the true policy of this nation, which, being weak in its maritime power, ought to permit the vessels of its citizens to be ransomed, because the chance of recapture on its way to the port of an enemy is small; that no benefit could, in fact, result to the United States from its passage, as the non-importation act was capable of invasion in a thousand ways—not admitting, however, the fact stated of frequent evasions of that law by pretended ransoms; that the operation of this law would be cruelly severe on the coasters and poorer classes of our citizens, who were allowed by the enemy to release their craft for a very small proportion of its value, &c.

The advocates of the bill, in reply, adduced the statement of the Executive of collusive practices under this pretext of ransoming vessels, for the purpose of evading the non-importation laws, and affording intelligence to the enemy. They stated, also, that if no such statement had been laid before the House, the fact was sufficiently notorious without it. The law might, it was true, give rise in its operation to occasional cases of hardship; but no principle of Government was better established or more generally acknowledged, than that the interest of individuals must give way to that of the community, which it was contended demanded the passage of the law, &c.

The committee rose, and reported the bill to the House. On the question of its passage to a third reading,

Mr. GASTON rose to move that the bill lie on the table until to-morrow. In making this motion, he had no design to delay the decision upon its passage, but to procure a little time for reflection. It had been complained by gentlemen favorable to this bill, that all the measures suggested by the majority met with a systematic resistance, and it was strongly insinuated that to this zeal of oppugnation was attributable the opposition to this bill. For himself, he begged leave to say that he felt an anxiety to discover some measure of the majority, which a regard for the welfare of his coun-

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try, and a respect for the dictates of his conscience, would permit him to support. He had viewed this bill as possibly affording such an occasion, especially as, in the almost annihilated state of our commerce, but little practical effect could follow from it. But he feared that his hopes had been visionary, and wished for leisure to discover, or enable others to discover, how it could possibly operate any good end.

On all hands, it was admitted that the prohibition of ransoming would produce individual inconvenience, but the Committee of Foreign Relations believed this inconvenience atoned for, by the great public benefit it would effect. This benefit was said to be the suppression of "collusive captures by the enemy, covered under the practice of ransoming." Now, he could understand how such collusion might exist while we had a coasting and an export trade; but now that the embargo hermetically closed our ports against the departure of our vessels, he was utterly at a loss to imagine how it was practicable. The object of ransoming is, to be permitted to retain the captured property. The only instance in which ransoming can now take place, is with respect to American vessels going from one foreign port to another, or returning from abroad home. Any inducement to "collusive captures," under pretence of ransom, in instances of the first description, had not been suggested, nor was readily conceivable. As to those of the other class, he had perplexed his mind hitherto in vain, to find out what temptation there could be to a collusive capture and ransom. It would seem that, if the ship was not concerned in illegal importation, and had no prohibited goods on board, she needed no stratagem of the kind to legalize her entry into the ports of her own country; if she had a prohibited cargo, it seemed equally certain that the process of capture and ransom neither changed its character, nor altered our laws forbidding its introduction. Perhaps reflection might show that there were possibilities of such a practice, notwithstanding his present view seemed very clear to the contrary. He wished, if it were so, to know them, and, on knowing them, would take pleasure in supporting any measure calculated to put down an injurious practice. He hoped, therefore, that the bill would lie on the table.

Mr. GROSVENOR said he was not certain that he understood the principles upon which the bill purported to be founded, sufficiently to justify him in offering any remarks upon it to the committee; yet so palpably incorrect was the whole policy of the measure, as it was presented to his mind, that he could not withhold his view of it. But first, Mr. G. said, he would offer his solemn protest against this method of legislating. In reply to an inquiry made by his honorable colleague, (Mr. POST,) the Chairman of the Committee of Foreign Relations, who reported the bill, (Mr. CALHOUN,) had stated that abuses and evils did exist under this practice of ransoming, and that particular cases of abuse had been

stated to the committee of which that gentleman is chairman by the proper department. It was, Mr. G. said, against this manner of giving information to the House—information which it was essential that the House should possess for the regulation of its conduct—that as a member of the House, a co-ordinate and independent branch of the Legislature, he solemnly protested. He refused not to any committee of the House that confidence to which, as honorable men, and as responsible members of the House, they were entitled. But who is to act upon and pass this bill? Not a committee, but the whole House. The House, then, said Mr. G., ought to receive this information "from the proper Department." It could not rely upon the judgment of any man, or set of men. It would be more decorous, more constitutional, and infinitely more satisfactory for the body which was to act, and which were responsible for the act, to call for the facts; to have them exhibited, and then to judge whether they justified the harsh and unjustifiable measure now before it. This kind of legislation was a perversion, in his opinion, of the plainest constitutional principles. Between Congress and the Executive there ought to be no middle body. There could be none consistent with his views of propriety and the constitution of the country. Mr. G. ardently hoped this new system of blind confidence would be abandoned, and the old independent ground reoccupied by the House.

The bill was then ordered to be engrossed for a third reading.

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Mr. HOPKINS, of New York, rose to make a motion which he deemed worthy the immediate attention of the House. His distance from the reporter prevented his first remarks from being heard. He took a rapid view of the progress of the campaign in the neighborhood of Fort George, and of the circumstances which led to the evacuation and destruction of that post, by our military force. Connected with that transaction also was another, into the merits of which it was not his purpose to enter at this moment, as it did not come within the scope of his motion. The village of Newark was burnt—a circumstance in every respect deeply to be regretted, both as respected the character of the nation, and the faith violated by that act, which had been so often pledged to protect the inhabitants in the enjoyment of their property and personal rights. The place had been burnt, not in the act of attack, not as villages suffer that are destroyed in the contending operations of opposing armies. It was burnt in cold blood, when there was no resisting force to defend it. And this act was the less defensible, because its position was such, that it might have been destroyed at any moment if its destruction had been really necessary. The consequence of which act, and the abandonment of the country by the United States, and the public authority of the

State of New York, was, that the enemy had retaliated on our frontier the distresses and injuries they had suffered by our invasion of their country. The fort of Niagara had been destroyed; and, notwithstanding the published accounts asserted to the contrary, with it a vast amount of public stores had been destroyed. It was impossible not to have foreseen, he said, when all our forces were withdrawn, when we gave up the conquest we had made to prosecute another and very distant one, that the country would be left exposed to the incursions of an enemy exasperated by our inroads into his territory, and so strong, too, that during great part of the past season he held our forces confined within a small fortification. The consequences of those incursions of the enemy were well known. Lewistown, Schlosser, and Buffalo, were burnt. It might be necessary, in the view of Government, to sacrifice a part of the territory for the preservation of the whole. Whatever was the object, the tract of country to which he had referred fell a sacrifice in consequence of the operations of the Government. War was first carried there by our Government, and the country afterwards left defenceless, abandoned to the enemy. The distresses incurred in consequence of this policy were great. Several villages had been burnt. Terrified by the fears and horrors of savage warfare, the people had abandoned their habitations, and for thirty or forty miles, and more, from the scene of action, the roads swarmed with the flying sufferers. To relieve their distresses he would propose a resolution to the House. He did not say whether it would be proper in all cases for the Government to compensate individuals for losses occasioned by war; but this was a case in which it would be proper for our Government to afford some relief. Our Government had heretofore extended the hand of relief to foreign sufferers—he alluded to the case in which a quantity of flour had been sent under the authority of Government to the sufferers at Caraccas; and he presumed our own citizens, equally suffering, were at least entitled to attention. Mr. H. was proceeding to advert to the liberality which it had always been the policy of Great Britain to display to her citizens in similar cases—but the SPEAKER called his attention to the subject of his motion; and Mr. H. submitted the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of providing by-law for the indemnity or relief of those who have suffered losses by the irruptions of the enemy on the Niagara frontier; and that the committee have leave to report by bill or otherwise.

Mr. CALHOUN, of South Carolina, observed that this motion embraced a novel principle, on which the House ought to have time to reflect, and therefore moved that it lie on the table.

Mr. TROUP rose to state a fact, not at all by way of replication to any thing the gentleman had said in support of his motion; but merely to correct an impression which might otherwise

gain currency in relation to the burning of Newark. The commanding officer in that quarter had been ordered, by the Secretary of War, to destroy Newark in one event only; when it should be absolutely necessary to the safety of Fort George. It could only have become so in case of an attack on Fort George, the enemy availing himself of Newark as a place of shelter. Now, no attack had been made on Fort George; and the burning of Newark was of course not consequent on any order of the Government, but the disobedience or misconduct of the commanding officer. Such would be the fact, he was convinced, which an official statement of this matter would disclose.

The motion was ordered to lie on the table.

WEDNESDAY, January 26.

CHARLES GOLDSBOROUGH, from Maryland, appeared, and took his seat.

THURSDAY, February 8.

Army Contractors, &c.

Mr. FISK, of New York, adverting to a report from the Secretary of War, on the table, respecting the unsettled accounts in the War Department, said that the report called the attention of the House to the expediency of making some provisions in order to secure the punctual performance of the public business and the more perfect accountability of public agents. Casting his eyes over these statements, he perceived one case not noticed, which had fallen under his own observation. He alluded to the manner in which the public moneys were employed in purchasing supplies. He stated a particular case, that had occurred at Black Rock; although the contractor was prepared to furnish the necessary supplies, the commanding General had ordered his issuing commissaries to purchase supplies to the amount of thirty thousand dollars, which were transported to Black Rock, where they remained from December, 1812, until they were destroyed in the late conflagration. To institute a general inquiry into this subject, Mr. F. offered the following resolution:

Resolved, That a committee be appointed to inquire in what manner the contracts for supplying the Army of the United States have been made and executed, and to what extent the General Officers have interfered in such contracts prejudicially to the public interest and the rights of individuals.

Mr. PITKIN, of Connecticut, having inquired the particular object of the mover, and whether his motion included cases in which higher prices had been paid by the purchasing commissaries than was usual or proper—

Mr. FISK stated his object to be, to ascertain whether further provision was not necessary to secure the accountability of public agents intrusted with the expenditure of public money, particularly in relation to the contracts for supplying the Army; and to restrain commanding officers from appointing issuing commissaries

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to furnish duplicates of supplies already furnished by other persons according to previous contract. As the law now stood, commanding officers were clothed with a general authority, without restriction, or personal or pecuniary responsibility, to appoint additional commissaries. In his opinion, the motion did embrace the case stated by the gentleman from Connecticut.

Mr. GRUNDY, of Tennessee, said he had no objection to this motion, but he suggested whether the main object of providing a remedy for the evil could be attained unless the committee were authorized to report by bill.

Mr. BRADLEY, of Vermont, expressed his satisfaction at this motion, for he was convinced there was something wrong in the existing provisions on this subject. A case had occurred in Vermont, and created some dissatisfaction there, in which a contractor who had engaged to supply the United States troops, was ready, as he represented, to furnish the necessary supplies; the General commanding conceived he had a power, whether there had or had not been a failure of the contracts, to appoint issuing commissaries, and had done so. Mr. B. said he had also heard of other cases on the Niagara frontier. The public interest, he thought, must suffer from collisions between the contractors and issuing commissaries making purchases under the authority of the General at the same time.

Mr. HALL, of Georgia, hoped the resolution would pass, but on different grounds from those assigned. He thought that contractors had more frequently failed in their duty than Generals had done injury by taking the supplies out of their hands. He spoke from evidence, that such had been the conduct of contractors, on important stations, that the Army was not supplied. On this subject, he had received a letter from one of the aids of Gen. Floyd, which he read, stating, in substance, that no more volunteers could be obtained unless a stronger assurance was given of the necessary supplies being furnished; that no army ought to be placed in a situation of dependence on contractors for supplies; that three thousand brave and patriotic men had languished for five months, not from any fault of the General, but from the conduct of a "speculating, rascally contractor." When these troops had achieved a victory against the savage foe, which would have done honor to any troops, it was at the risk of starvation, and they remained on the ground without being able to march from it for the want of supplies. Mr. H. feared the resolve did not go far enough, however, unless it authorized the committee to propose to the House a remedy for the evil.

Mr. SHEFFEY, of Virginia, said he did not think the motion went far enough. He had no doubt it would appear, on examination, that in one case at least, where a General Officer had directed supplies to be purchased, and the account therefor was settled at the War Department, that twelve or fourteen dollars per barrel

had been allowed for flour; and the contractor had produced evidence that, instead of twelve or fourteen dollars, this commissary had not paid more than seven or eight dollars per barrel. The inquiry, therefore, it appeared to him, ought to be extended to the conduct of these purchasing commissaries.

Mr. FISK thought the terms sufficiently comprehensive to combine all that gentlemen wished.

The resolution, however, was so amended as to authorize the committee to report by bill or otherwise; and thus amended, was agreed to without opposition.

Mr. FISK of New York, Mr. BRADLEY, Mr. SHEFFEY, Mr. MILLER, and Mr. HALL, were appointed the committee.

FRIDAY, February 4.

Honors to Midshipman John Clark.

Mr. LOWNDES, of South Carolina, from the Committee on Naval Affairs, reported the following resolution:

Resolved, &c., That the President be requested to present a sword to the nearest male relative of Midshipman John Clark, who was slain gallantly combating the enemy in the glorious battle on Lake Erie, under the command of Captain Perry, and to communicate to him the deep regret which Congress feels for the loss of that brave officer.

The resolve was twice read, and was subsequently ordered to be engrossed for a third reading.

The bill from the Senate for the relief of William Stothart and Josiah Starkey, was twice read, and committed.

National Bank.

Mr. CALHOUN, of South Carolina, moved that the Committee of the Whole be discharged from the further consideration of the report of the Committee of Ways and Means on the petition from New York for the establishment of a National Bank, and that the same be recommitted to the same committee, with a view of making a further motion on that subject.—Agreed to.

Mr. C. then said that it would be found that the Committee of Ways and Means had decided against that report, on the ground of unconstitutionality of establishing such a bank as that asked for in the petition. Mr. C. wished to instruct the committee to inquire into the expediency of establishing a National Bank within the District of Columbia, the power to do which it could not be doubted came within the constitutional powers of Congress. For all practicable purposes he believed such a bank would be as useful as that which was proposed. To come at his object, Mr. C. proposed the following motion:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of establishing a National Bank, to be located in the District of Columbia.

The resolution was agreed to without opposition.

Naval and Military Trophies.

Mr. SEYBERT, from the committee appointed, on the 20th of December last, "to inquire into the present condition and distribution of the flags, standards, and colors, which have been taken by the forces of the United States from their enemies," made a report; which is as follows:

The committee to whom was referred the resolution directing them "to inquire into the present condition and disposition of the flags, standards, and colors, which have been taken by the forces of the United States from their enemies; and whether it would be expedient to make any provision in relation to them, with leave to report by bill or otherwise," report:

That the collection, preservation and exhibition of such flags, standards, and colors, as have been taken by the land and naval forces of the United States from their enemies, is sanctioned by the practice of European nations, and more especially by the proceedings of the Congress of our Revolution. It is believed there cannot be a difference of opinion on this subject; it is natural to rejoice at the victories and the glory of our country. In Europe, the trophies which have been gained in war, are preserved with uncommon care. As monuments of national power they have ever been cherished by all civilized nations. In England they are highly prized. Not content that they should constitute the ornaments of their military institutions, such standards are deemed proper subjects for the decorations of the temples which they have consecrated to the purposes of religious worship; the sacred chapels, in common with the royal palaces, are the places in which are displayed to every subject and traveller the banners which the British forces have won from their enemies. It must be recollected, that the standard of our fourth regiment of infantry, which the enemy received at the lamentable surrender of Detroit, was in haste conveyed to Europe. Immediately after its arrival in London, the public prints informed us, that it was triumphantly displayed in the Council Chamber at Whitehall. Such is the British practice.

In France, the galleries of *Notre Dame* are blazoned with these splendid trophies. The chapel of the *Hôtel de l'Invalides*, is richly embellished, and exhibits, to numerous visitors, the many standards which that gigantic power has, at different times, taken from its enemies. It affords no common satisfaction to the disabled tar, or the superannuated soldier, when he informs the inquisitive stranger that he gloriously fought in the battle which may have gained some of them. For the time he forgets his former sufferings, and his present disabled condition; his consolation rests upon the power and glory of his country, so fully demonstrated by the sight of the numerous ensigns which were taken from other nations. Other instances, in favor of the practice, could have been furnished; but your committee are persuaded, that the order of the illustrious Congress of our Revolution alone, will justify the propositions which they intend to submit for legislative consideration. As early as the 23d of June, 1778, it was "Resolved, That the Board of War be directed to collect the standards and colors taken from the enemy, by the Army of the United States, since the commencement of war." Had this order been strictly observed, and somewhat extended, the present pro-

ceedings would be unnecessary. Far from any regulations having been adopted, in pursuance of the recited resolution, your committee lament the peculiar negligence which ensued. The Secretary of War now tells us, that of the standards and colors which were taken by the Army of the United States, during the war of the Revolution, only six remain in his office. He cannot give any information concerning others; even their place of deposit is unknown to the Department! The Navy Department possesses no knowledge of any flags which are taken "anterior to the declaration of the present war." Such as have been captured, with the public armed ships of the enemy, subsequent to the 18th of June, 1812, "have been carefully preserved." Thirteen of them have been already received, as will more fully appear by the annexed statement: of these, three belonged to the heavy frigates of the enemy, viz: the *Guerriere*, *Macedonian*, and *Java*. The Navy Department is also in possession of a Royal Standard of Great Britain, which was taken at York, and a Union Jack and flag, which were captured at Fort George. The flags of five small vessels which were captured, have not been received. Your committee regret that the Journals of Congress do not exhibit statements of all standards and colors which were taken during our Revolution by the Army and Navy of the United States. The early attention of the Legislature to this subject inclines them to believe they were very numerous. The capture of Earl Cornwallis alone furnished twenty-four of them. In all probability, as many were taken with General Burgoyne.

By some the exhibitions which are contemplated may be considered as too trivial for legislative provision. Your committee would coincide with them in this opinion, did the practice only afford a momentary gratification to the curious. Experience must have taught European Governments that national benefits were derived from the course which they have adopted. It is presumed that essential consequences proceed from the practice, more especially when a nation shall be engaged in war. Such trophies excite the spirit of a nation; the result is national character. The arrival of an enemy's flag is sufficient to rouse the population of London or Paris. On such occasions the finest national feelings are developed; and to the honor of our fellow-citizens be it said, they have not been found to want this species of national sensibility when the flags of the *Guerriere*, *Macedonian*, and *Java*, &c., were exhibited to them. It was indifferent whether they considered themselves of the war or of the peace party, each was ambitious to rank the victor with himself. The national taste and propensity is strongly marked by the eagerness with which all view representations of our late unparalleled naval victories. If, then, the art and genius of the painter can thus excite our natures, may we not look for much more when we have the physical facts placed before us instead of fancy? These flags, the trophies won by our gallant tars, demonstrate to us and the world, that the invincibility of the British naval power has been very much exaggerated. In battle will the recollection of them sustain our sailors, and impart additional skill and valor in support of the cause of our country. The value of standards does not depend upon the gaudy colors which they exhibit, no more than upon the nature of the stuff of which they may be fabricated. They have been, at all times, regarded as the insignia of fame and power. Their surrender is the act of submission. The last wish of the proud bearer, is

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the preservation of his eagle; too often is the loss of it sealed with the loss of life. In Europe, where military operations are on a large scale, though the result of a battle should prove destructive to thousands of those who were engaged, the capture of a single standard constitutes a prominent feature in the details of the action, and adds much to the brilliancy of the achievement. Colors taken from the enemy, were considered a present worthy the nation, to General Washington, for his signal services in the capture of Earl Cornwallis. The records of the proceedings of Congress, during the whole of our Revolution, mention but two instances where this highly honorable and distinguished mark of approbation was voted. In fine, we have declared the flag shall guaranty the safety of our citizens. Can a higher value be set upon it? Can we attach more honor to it?

It may be asked, what will be the effects of a public display of the flags which have been taken from our enemies? This view is considered to be important. No one can doubt that the Government and the people of England would rather we should have taken millions of their merchandise, than that we should have it in our power to exhibit the flag of a single sloop of war, which was gained by equal force. If the enemy will expose to the view of the British nation and every traveller who may visit them, the one or two which they have captured from us, shall we conceal the many we have taken from them, and thus lead others to doubt our possessing any? Shall we permit the numerous trophies of our Revolution to moulder into dust by a voluntary concealment, without any effort for their preservation? If this shall have happened to the proud monuments of our independence, shall the fate of those which are now perfect, and which have been so lately won on our own coast, on that of South America, off the Azores, on the Lakes, in short, in all latitudes where our tars have come in contact with the enemy, be the same? Is not the preservation of these flags a duty which we owe to the people of the United States? Are the achievements of that gallant little navy, which a few months ago was the object of derision with the statesmen and the people of England, but now the cause of their fears, to be buried in oblivion? Shall we put at rest the inquiry which the glorious deeds of our sailors have excited in the Parliament of Great Britain? Shall we, at our expense, approve the labored calculation of the enemy; with her confound reason and common sense, and attribute simple truths to fallacious causes? or shall we give into a practice so generally cherished by other nations? Our successes on the ocean constitute the pride of our country; they have secured to us the respect of foreign nations. In Europe we again hold that rank which our ancestors had obtained by their many hard-fought conflicts, which we had nearly forfeited. Have we not accomplished more than did Spain with her "invincible Armadas," than did Holland with her De Witts, Van Tromps, and De Ruyters; than France could achieve when she was in the zenith of her naval power; than did Great Britain with her Nelsons, Rodneys, Howes, and St. Vincents? The naval annals of England furnish no instance in which every vessel, belonging to a hostile fleet was captured.

Some may doubt our possessing a number of standards sufficient to warrant their public exhibition. Had we but few of them we should not deny our sanction to the principle. Your committee regret that special

order had not been taken by Congress immediately after the receipt of the first present of this kind; we allude to the colors which were taken by General Montgomery from the 7th British regiment, at Chamblée, on the 18th of October, 1775. The French pride themselves on their ability to exhibit the two which they have taken from our present enemy; for so lately as the year 1800, they had only two of the naval flags of Great Britain. Though the War and Navy Departments can immediately furnish but twenty or twenty-five of these flags, it is probable the place of deposit will be ascertained, so as to put within our power many of those which were gained during our Revolution. Where are those which were won during our dispute with France in 1798? The same may be asked of those which the defeats of Derne and Tripoli should furnish. The only object which remains for consideration is the place most proper for the exhibition.

This should be public and easy of access, at the same time that it should be perfectly secure from villanous attempts. These flags should be placed so as to be seen by every citizen who might wish to observe them. It will be of advantage that they should be noticed by every foreigner who may visit the United States. Can any objection be made to the spacious national apartments which are devoted to legislative purposes? What ornaments can be more suitable? Go abroad, and you may see the walls of the British House of Lords decorated with representations of some of the celebrated battles which were fought by the troops of Great Britain. At home we find the principle already established by one branch of the Legislature of the United States: in the Senate Chamber we observe engravings of some of the battles of our Revolution; and had time allowed the execution of the original design of the architect, the precedent would have had existence in the Chamber of the Representatives of the United States. It was contemplated that the frieze, over the capitals of the Corinthian columns which sustain the dome, should present, in *relievo*, a regular series of the battles which secured our independence. Such decorations might gratify the artist, and afford an opportunity to display his talents; but in a national view, little or no effect would be produced. It must be conceded that much more will be communicated to the spectator by the display of the captured standards. No one can pretend that any difference exists between the representations which we have noticed and the standards which have been taken from the enemy, as will warrant the public exhibition of the one and preclude that of the other: these subjects are most immediately connected, and their tendency must be the same. The public exhibition of these trophies is a tribute due to the very superior skill and valor which achieved them; the sight of them will bring to recollection every circumstance of cause and effect; they will constitute valuable records of illustrious portions of our history; they will form a collection of the proudest monuments to commemorate the brilliant deeds of a rising generation.

WEDNESDAY, February 9.

Sierra Leone and Paul Cuffe.

Mr. NEWTON, from the Committee of Commerce and Manufactures, made a report on the bill from the Senate "to authorize the President of the United States to permit the depart-

ure of Paul Cuffee from the United States, with a vessel and cargo, for Sierra Leone, in Africa, and to return with a cargo:" which was read: When, a motion was made by Mr. GOLDSBOROUGH that the report and bill be committed to a Committee of the Whole, and that the report be printed.

A division of the question on the said motion was called for, and, being taken on the commitment, it passed in the affirmative.

A motion was then made by Mr. POSEY to add to the motion to print the report, the words, "and that the memorial of Paul Cuffee be also printed." And the question thereon being taken, it was determined in the negative. The report was then ordered to be printed, and is as follows:

"That, in the opinion of the committee, it would be impolitic, at a time when the Government of the United States has been compelled, from imperious necessity, to prohibit the coasting trade, to prevent the enemy from obtaining supplies of provisions, and thereby from keeping a considerable naval force on the coast of the United States, to relax the prohibitions of the embargo law, on the application of an individual, for a purpose which, how benevolently soever conceived, cannot be considered in any other light than as speculative—the efforts heretofore made and directed by the zeal and intelligence of the Sierra Leone Company having failed to accomplish the object designed by its institution. When exemptions from the operation of a law are made, the justice of which is not seen by every citizen, the wisdom of which is questionable, and the necessity of which is not palpably evident, discontent, if it did not exist, would be produced; and if it did exist, it would, by such policy, acquire expansion and vigor.

"In what manner soever the act from the Senate be contemplated, the committee see difficulties which cannot be overcome by any suggestions of their ingenuity. They, therefore, from this view of the subject, feel themselves constrained to recommend the rejection of the act to authorize the President of the United States to permit the departure of Paul Cuffee from the United States, with a vessel and cargo, for Sierra Leone, in Africa, and to return with a cargo."

The Loan for 1814.

On motion of Mr. EPPES, of Virginia, the House resolved itself into a Committee of the Whole, on a bill to authorize a loan of ——— dollars. The bill having been read through—

Mr. E. rose to move to fill the blank in the bill, and to state the reasons for its amount, and why the loan bill had been introduced at this stage of the session, before the appropriation bills were reported, and of course before it could be precisely ascertained what the amount of those appropriations would be.

Mr. BIGELOW.—Mr. Chairman, I shall vote against filling the blank in this bill with twenty-five millions, or with any other sum. I shall not do it, because I believe that it will not require so large a loan to defray the expenses which the measures of the present session will create, or because I do not believe that the income of the land and other property in the United States would amount to that sum.

I shall vote against it, on the principle that it is to obtain money to prosecute a war of invasion and conquest—a war which has been as unwisely managed, as it was im providently declared. I shall vote against it, on the principle that the measures which preceded and produced it were radically wrong.*

To explain to the committee my ideas on this subject, it will be necessary to glance at events in Europe for some years past; events, the magnitude and variety of which have been of a nature not to afford the mind time to examine and contemplate the causes and effects of one, before it has been astonished with another. An attempt to look back, and trace the various effects of each in producing the measures pursued by the Administration of this country, as it respects the two great belligerents, would be a task to which I certainly have not the vanity to aspire. But, as such a course is highly necessary to enable us to form a correct opinion of the policy pursued by the Administration, and the propriety of continuing that policy, I will state some of the most prominent events in Europe, and attempt to show that the measures caused by the operation of that influence have been erroneous, and the sooner the error is acknowledged, and the procedure corrected, the better. I cannot expect, sir, with my feeble powers, to produce conviction, but I do hope to be able to provoke inquiry and investigation.

The first great error (I speak of errors in regard to our foreign relations) which I shall notice, was the refusal of the late President to lay before the Senate the treaty of Messrs. Monroe and Pinkney, concluded with Great Britain in December, 1806, and received by him in March, 1807, before the adjournment of that body. Sir, that he might have wished a better treaty, I have no doubt; and I have as little doubt, had the state of Europe been different, it would have been laid before that body, and been ratified.

Upon this subject, I wish gentlemen to pay particular attention to dates.

On the 21st November, 1806, the French Emperor, then at his imperial camp at Berlin, the capital of Prussia, which he had victoriously entered, after the battle of Jena, issued his famous Berlin decree. This decree declared the British islands in a state of blockade, prohibited all commerce and correspondence with them, declared all merchandise belonging to England, or coming from its manufactories and colonies, lawful prize, &c. It was at this time Napoleon attempted to put in execution the gigantic project of blockading the islands of Great Britain, not by a naval force, but by compelling or flattering all other nations to unite with France in the total prohibition of all intercourse with Great Britain. This decree, and this intention of the French Emperor, were

* This bill, though limited in its terms to a loan of money was made the occasion of a general discussion of the war, and gave rise to the principal debate of the session.

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known to the President before the treaty of Monroe and Pinkney arrived. To have ratified that treaty, would have permitted commercial intercourse between us and Great Britain, been in direct violation of the Berlin decree, and have counteracted the designs of the French Emperor, thus explicitly expressed. Add to this, that Great Britain was then expected to be crushed, by the pressure of the war and taxes upon her subjects, aided by the mighty genius and power of Bonaparte, and little doubt can remain of the real cause of the refusal of Mr. Jefferson to lay the treaty before the Senate.

Let us now, Mr. Chairman, look at the state of Europe when Mr. Jefferson recommended the embargo, on account of the increasing danger with which our vessels, our seamen, and merchandise were threatened on the high seas, &c.

On the 14th June, 1807, was fought the famous battle of Friedland, in which the French were victorious over the Russians. In consequence of this battle, on the 14th of July following was concluded the Treaty of Tilsit, between France and Russia, by which the latter engaged to prohibit all commercial intercourse with Great Britain, &c. Austria was still bound to France by the humiliating Treaty of Presburg. Prussia, by proclamation, had prohibited all intercourse with Great Britain. Portugal, in August, 1807, soon after the Treaty of Tilsit, was threatened by France with invasion, if she did not in three weeks prohibit all commercial intercourse with Great Britain, prevent the departure of Englishmen from the kingdom, and confiscate all British property therein.

True, we have no official document to prove that France, at this time, made a similar demand upon the Government of the United States. But, when we look at the conduct of France towards other nations, that she compelled them, by force of arms, or by intrigues, to submit, have we any reason to doubt on this subject?

Such was the state of Europe at the meeting of Congress, in December, 1807. On the 18th of that month, Mr. Jefferson recommended a general embargo; a bill was hurried through both branches, and on the 22d of the same month, the act was passed, unlimited as to duration. This law, if not in compliance of a demand, was in conformity to the views and wishes of Napoleon.

But it may be said, it was a measure of an impartial character, as it respected the two belligerents. In theory it might be, but not in its practical operation. The object of France was the destruction of Great Britain, by a total interdiction of her commerce with all other nations. The United States, by the embargo, joined with France to facilitate the accomplishment of this object. The embargo, in theory, might be called a municipal regulation, but, practically, it was an act of hostility against Great Britain.

Does the measure, then, deserve the character of impartiality? Great Britain, at that time

struggling for existence against France, Russia, Austria, Prussia, and Denmark, felt no disposition to engage in a war with the United States. She, therefore, chose not to consider the embargo an act of hostility. France viewing it as an act of co-operation in her continental system, highly applauded the measure.

The French Minister for Foreign Affairs, (Talleyrand,) in a report to his Imperial Majesty, Napoleon, of September 8, 1808, thus speaks of the embargo:

"The Americans, a people who involve their fortune, their prosperity, and almost their existence, in commerce, have given the example of a great and courageous sacrifice. They have prohibited, by a general embargo, all commerce and navigation, rather than shamefully submit to that tribute which the English impose on all nations."

The French Emperor, himself, in an address to the Legislative body of France, October 26, 1808, is very explicit on the subject:

"The peace of Presburg, that of Tilsit, the assault of Copenhagen, the plans of England against all nations on the ocean, the revolution of Constantinople, the affairs of Spain and Portugal, have in various ways had an influence on the affairs of the world.

"Russia and Denmark have united with me against England.

"The United States of America have rather chosen to abandon commerce and the sea, than to acknowledge their slavery."

Having thus virtually engaged on the side of France, not by a declaration of war, but by the exercise of our restrictive energies, it was difficult to recede. The embargo, however, had become extremely unpopular, and on the 1st of March, 1809, it was repealed, and the non-intercourse substituted in its place. This repeal of the embargo, was also charged to the minority. Yea, sir, and happy, happy indeed, would it have been for the country, if the minority had been more successful in their opposition, and, with the death of the embargo, prevented the birth, if the term is applicable, of the non-intercourse.

The non-intercourse, however, had one feature of impartiality. It prohibited, as well French as British armed ships, from entering the ports and harbors of the United States after the 20th May then next.

This feature of impartiality was embraced by Erskine, the British Minister, to tender satisfaction for the injury done by the attack on the Chesapeake, and to propose an arrangement for the repeal of the Orders in Council. But the President, as if fearful the arrangement would be ratified by the British Government, takes particular care to accept the offers in a manner calculated to insure their rejection. Mr. Smith, Secretary of State, is instructed to say, that "the President owes it to himself, and the occasion, to let it be understood, that this equality was the result of a state of things growing out of distinct considerations." And Mr. Smith, in the same letter, adds:

"I have it in express charge from the President to

state that, while he forbears to insist on a further punishment of the offending officer, he is not the less sensible of the justice and utility of such an example, nor the less persuaded that it would best comport with what is due from His Britanic Majesty to his own honor."

Let us now, Mr. Chairman, look at the conduct of France in relation to the non-intercourse act of March 1st, 1809, and of our Government towards France.

Strange as it may seem, this very act, placing the two belligerents upon the footing of equality, was made the pretext by France for the decree of Rambouillet, of March 28d, 1810. A decree which, for fraud and injustice, has no parallel in the annals of any other civilized nation. This decree, after assigning as the reason for its enactment the non-intercourse act of March 1st, 1809, declares, that—

"All vessels navigating under the flag of the United States, or possessed in whole or in part by any citizen or subject of that power, which, counting from the 20th May, 1809, (the time when her armed ships were prohibited entering our waters,) have entered or shall enter into the ports of our Empire, of our colonies, or of the colonies occupied by our arms, shall be seized, and the product of the sales shall be deposited in the surplus fund."

By virtue of this decree, more than one hundred American vessels were seized in the ports of France, and in those of Holland, Spain, Italy, and Naples, countries under French control.

Let it be recollected, Mr. Chairman, that this decree was promulgated but about four months previous to the pretended repeal of the Berlin and Milan decrees. Let it be recollected, too, that General Armstrong was instructed not to engage that a non-intercourse should be adopted against Great Britain, upon the repeal of the Berlin and Milan decrees, unless a satisfactory provision was made for restoring the property seized under the Rambouillet decree. This I assert on the authority of the letter of Mr. Smith, to General Armstrong, of the 5th of July, 1810. In this letter he says:

"As has been heretofore stated to you, a satisfactory provision for restoring the property, lately surprised and seized by the order, or at the instance, of the French Government, must be combined with the French edicts, with a view to a non-intercourse with Great Britain—such a provision being an indispensable evidence of the just purpose of France towards the United States. And you will, moreover, be careful, in arranging such a provision for that particular case of spoliation, not to weaken the ground on which a redress of others may be justly pursued."

This provision, however, was not made; it has not yet been, and probably never will be made. And how, sir, let me ask, did the President justify his proclamation, declaring the Berlin and Milan decrees repealed on the 2d of November, 1810, and thereby causing a non-intercourse with Great Britain, without this provision, which he had declared to be indispensable?

That such a provision was not, and has not

yet been made, we have the best evidence—that of the President himself. In his Message of December 5th, 1810, a month after he had declared those decrees revoked, he informs us that—

"It would well have comported with the conciliatory views, indicated by this proceeding on the part of France, to have extended them to all the grounds of complaint which now remain unadjusted with the United States. It was particularly anticipated that, as a further evidence of just dispositions towards them, restoration would have been immediately made of the property of our citizens, seized under a misapplication of the principle of reprisals, combined with a misconception of a law of the United States. This expectation has not been fulfilled."

Still, however, it was urged by a majority of this House that we were pledged to France. Yes, sir, I well recollect that the speeches of honorable gentlemen, then members of this House, urged in the strongest terms the passage of the act of March 2d, 1811, renewing the non-importation act, against Great Britain, on the ground of our plighted faith to France. I well recollect, too, that the minority, who are too often charged with unreasonable opposition, as boldly declared that we were not pledged to France; that the Berlin and Milan decrees were not revoked. And who, sir, were correct, the majority or the minority?

But to return to the subject of the restoration of the property seized under the Rambouillet decree. In the President's Message of November 5th, 1811, we are told that—

"The justice and fairness which have been evinced on the part of the United States, towards France, both before and since the revocation of her decrees, authorized an expectation that her Government would have followed up that measure by all such others as were due to our reasonable claims, as well as dictated by its amicable professions. No proof, however, is yet given of an intention to repair the other wrongs done to the United States."

Again, in his Message of the 4th November, 1812, he says:

"Our affairs with France retain the posture which they held at the date of my last communication to you. Notwithstanding the authorized expectation of an early as well as favorable issue to the discussions on foot, these have been procrastinated to the latest date. The only intervening occurrence meriting attention, is the promulgation of a French decree, purporting to be a definitive repeal of the Berlin and Milan decrees. This proceeding, although made the ground of the repeal of the British Orders in Council, is rendered, by the time and manner of it, liable to many objections."

It is not a little remarkable, that, notwithstanding General Armstrong was instructed to have combined with the repeal of the French decrees, provision for a restoration of the millions of property seized by the Rambouillet decree, that in the very letter of the Duc de Cadore to General Armstrong, of August 5th, 1810, the very letter on which the President's proclamation of November 2d, 1810, declaring

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these decrees revoked, was founded, we have, from the language of that letter, reason to believe, that such a restoration was never intended. These are the words:

"The act of March 1st, 1809, has raised the embargo, and substituted for it a measure the most injurious to the interests of France. This act, of which the Emperor knew nothing until lately, interdicted to American vessels the commerce of France, at the time it authorized that to Spain, Naples, and Holland, that is to say, to the countries under French influence, and denounced confiscation against all French vessels which should enter the ports of America. Reprisal was a right, and commanded by the dignity of France, a circumstance on which it was impossible to make a compromise."

Then follows the pretended revocation. Now, sir, what reason had the President to expect a restoration of this property? Was it because in this letter he was told that—

"His Majesty loves the Americans. Their prosperity and their commerce are within the scope of his policy. The independence of America is one of the principal titles of glory to France. Since that epoch, the Emperor is pleased in aggrandizing the United States; and, under all circumstances, that which can contribute to the independence, to the prosperity and the liberty of the Americans, the Emperor will consider as conformable to the interests of his Empire."

Other nations, Mr. Chairman, have learnt by fatal experience what he means by his love, and by his efforts to contribute to their independence, to their prosperity, and their liberty. Thanks be to the God of Battles, who has put it out of his power ever again to give the United States any further specimens of his love, either for their commerce, their liberties, or their independence!

There is still another important view in which this subject ought to be considered.

A recurrence to facts and to dates will not only prove that the Berlin and Milan decrees were not revoked on the 5th of August, 1810, but that our Government had no right to consider them as revoked.

On the 14th of February, 1810, Champagny, in a note to Armstrong, after, in an insolent manner, telling him that—

"The Americans cannot hesitate as to the part they are to take; they ought either to tear to pieces their act of independence, and to become again, as before the Revolution, the subjects of England, or to take such measures as that their commerce and industry should not be tariffed by the English, which renders them more dependent than Jamaica, which at least has its Assembly of Representatives and its privileges."

After thus severely lashing the Government of the United States he changes his tone, and proceeds:

"If then the Minister of America can enter into an engagement, that the American vessels will not submit to the Orders in Council of England, of November 1807, nor to any decree of blockade, unless the blockade should be real, the undersigned is authorized to conclude every species of convention, tending to renew the Treaty of Commerce with America, and in which all the measures, proper to consolidate the commerce

and the prosperity of the Americans, shall be provided for."

Here is an explicit declaration of the terms on which we were to expect any modification of the Berlin and Milan decrees. The very next specimen of the Emperor's friendship, was the promulgation of the Rambouillet decree of March 23, 1810, which I have noticed, and by virtue of which, all American vessels, with their cargoes, then in the ports of France, or of the countries under her control, were seized, sold, and the proceeds deposited in the surplus fund. Well, sir, the next thing we hear from France, after this characteristic mark of friendship, the Rambouillet decree, was the pretended revocation on the 5th of August, 1810, of the Berlin and Milan decrees. Now, sir, either Armstrong did enter into an engagement, agreeably to the terms prescribed by Champagny, in his letter of February 14, 1810, or the President must have known that the pretended repeal of August 5, 1810, was conditional. How, then, could the President say, as he did, by his proclamation of November 3d, 1810, that those decrees were revoked? That the Emperor of France considered this repeal conditional, we have his own subsequent declarations. On the 31st March, 1811, in an address to the Council of Commerce, in Paris, he thus expresses himself:

"The decrees of Berlin and Milan are the fundamental laws of my Empire. For the neutral navigation, I consider the flag, as an extension of territory. The power which suffers its flag to be violated cannot be considered as neutral. The fate of the American commerce will soon be decided. I will favor it, if the United States conform themselves to these decrees. In a contrary case, their vessels will be driven from my Empire. The commercial relations with England must cease. I tell it to you very loudly."

The Emperor then waits, until satisfied by the proceedings of Congress, at their session of 1811-'12, that the United States would declare war against Great Britain, and then, on the 12th of May, 1812, at the earnest solicitation of Mr. Barlow, publishes the following decree:

PALACE OF ST. CLOUD, April 8, 1811.

Napoleon, Emperor of the French, &c., &c.

On the report of our Minister of Foreign Relations: Seeing by a law passed on the 2d of March, 1811, the Congress of the United States has ordered the execution of the provisions of the act of non-intercourse, which prohibits the vessels and merchandise of Great Britain, her colonies and dependencies, from entering into the ports of the United States:

Considering that the said law is an act of resistance to the arbitrary pretensions consecrated by the British Orders in Council, and a formal refusal to adhere to a system invading the independence of neutral powers, and of their flag, have, and do decree as follows:

The decrees of Berlin and Milan are definitively, and to date from the first of November last, considered as not having existed (*non avenue*) in regard to American vessels.

By the Emperor:

The Minister Secretary of State,

NAPOLEON.

THE COUNT DARU.

Mr. Chairman, upon these facts no comment

of mine is necessary. They carry with them intrinsic, irresistible evidence. I might, sir, proceed much further. I might notice the connection between the famous Turreau letter of the 14th of June, 1809, and the dismissal of the British Minister, Jackson, in November of the same year. I might notice the connection between the declaration of war, by France against Russia, in 1812; and by the United States and Great Britain nearly at the same time. But I will not trespass longer upon the time of the House, which will be more usefully occupied by others, who will, I trust, investigate this subject thoroughly, and who will rend asunder this veil of mystery, which conceals from public view the transactions between the Government of the United States and France.

Until, sir, my mind is better satisfied upon this subject, I will vote for no loans, I will vote for no men, or money, to prosecute this war. I will vote for no measures but such as are necessary for the defence and protection of the United States.

THURSDAY, February 11.

The Loan Bill.

Mr. SHEFFEY rose and said, that, on this occasion, it became the duty of the committee to look beyond the present moment. The motion submitted by the honorable Chairman of the Committee of Ways and Means required them to consider not only whether there existed in the country a capacity and disposition to furnish the sum now wanted, but whether this system of loans and expenditures, of which the present measure constituted a part, could continue until the professed objects of the war were accomplished. There is certainly, said Mr. S., no honorable member on this floor who entertains serious doubts on the subject, who will not feel disposed, at least, to pause. There is none who shall be convinced that this system has its limits, and that those limits are short of your object, who will not think the present the best moment to arrest your progress. To continue the effusion of blood and the waste of money, without hope, would be wanton and cruel.

The sum proposed to be raised by loans, including the Treasury notes, as a portion of the means necessary to defray the expenses of the present year, is thirty millions of dollars. Although exceeding in amount any loan ever attempted in this country, (as it is admitted,) and exceeding any loan ever obtained in any other country, (means and circumstances considered,) as I shall have occasion hereafter to notice, yet it will be far short of our necessities, should our Army equal the number estimated. The Secretary at War estimates the military expenditures at twenty-four and one-half millions of dollars, and our military force for the year at sixty-three thousand men, thus making the average cost per man less than four hundred dollars. If we judge from past experience, I am inclined to believe the average cost will fall little short of one thousand dollars per man, and therefore, if the Secretary's

premises are to be regarded, our military expenditures will this year exceed \$50,000,000.

During the fiscal year, which commenced on the first day of October, 1812, and ended on the 30th September, 1813, the various sums paid on account of the military service, amounted to more than eighteen millions of dollars, and about six thousand dollars less than the sum appropriated. The paper laid on our tables, showing the near approach of the amount actually paid to the sum appropriated, may have been considered by some as a high evidence of the wisdom and sagacity of those who managed our affairs. Let them not be deceived. Nothing is more fallacious than the idea that the expenditure is limited by the appropriation. The actual payments only are so limited. If there is an excess of expenditure, it constitutes a debt which is paid out of the next appropriation. To prevent the whole sum appropriated for the military service from being paid as demands may require, and thereby prematurely exhaust the means of payment, the Treasury Department has interposed a restriction by which but one-twelfth part of the amount appropriated can be drawn monthly. Thus, the appropriation for the last year being about eighteen millions, the Treasurer, as agent for the War Department, received a monthly credit of one million and a half; beyond this sum no payment could be made, whatever the demand might be. Should there have been any application within the month after the sum set aside was exhausted, the claimant would be postponed, he would have to wait until the waters were again moved, and if he was not preceded by others, or thrown back in the scramble, he might be satisfied.

Sir, we have no means by which the actual military expenditures can be ascertained. Such is the manner of disbursement, and the state of the various branches of the War Department, that no person knows, or can know, how much of the immense sums drawn from the Treasury is actually paid to those entitled thereto, or how much remains due. Many millions are received by officers and contractors in the way of advances, who, instead of being called upon at short stated periods to account, retain large sums for months, often for years, and sometimes forever. There is, in fact, no system, no accountability. The people's money is squandered to enrich those who riot on the public spoils, and who fatten by their calamities. Little as I know, I have heard and seen enough to convince me of the profigacy, profusion, and corruption, which attends the expenditure of your public money. No person can form an adequate idea of the amount, nor will it be known until long after the war shall have closed. You are in the habit of passing laws to provide for the payment of claims not before contemplated, the extent of which you do not anticipate. It is, moreover, evident that many claims that accrued before the close of the last fiscal year, were either not presented, or not paid. We know of many large ones in that situation.

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An honorable member from Tennessee (Mr. GRUNDY) seems to admit that temperate opposition on the floor is not improper; but he bestows severe reprehension on certain acts done out of this House, tending to defeat the measures of Administration. His fancy has created an offence which he calls moral treason, hitherto unknown to any code established to regulate the conduct of man. Though its name is known to every one, yet we are all ignorant how it is composed, or what is its essence. When we ask, does it consist in the violation of any law? we are answered that it does not. When we ask, whether disobedience to the dictates of conscience constitutes any ingredient? we receive the same answer. When we demand to know what it really is, the answer contains such refined, metaphysical reasoning, that we are still left to conjecture. This new-fangled, this sublimated offence, without body or soul, without any resting-place on this earth, is conjured up by the gentleman whenever he rises in his place to address you.

The honorable member has disclaimed the merit of the original discovery, and very disinterestedly bestowed it on another. But I presume, if he is not the inventor he certainly has improved on the idea, and according to the rules of the Patent Office, is entitled to a patent for his improvement, which will give him the exclusive enjoyment of all its benefits. He has referred us to Doctor Witherspoon as the original inventor, who, it seems, at the commencement of the Revolutionary contest, addressed his Scottish brethren in America, and exhorted them to aid in the cause of the colonies against the mother country. To illustrate his idea of their duty in the then crisis, he supposes a vessel at sea in distress, which required the aid of all on board to bring her into a port of safety; he supposes a minority of the crew, not only to refuse aid themselves, but counteracting, by every thing in their power, the efforts of their companions; and he asks whether the majority would, in such case, not throw them overboard, to save themselves from inevitable destruction? The gentleman's authority proves too much. If, as he supposes, our situation is like that of the crew in distress, why not go the full length of the remedy then applied, and throw the minority overboard? To this I have no doubt the gentleman would resort if he was not afraid. Perhaps there might be danger in the experiment. Sir, the authority cited has no kind of connection with our present situation. Dr. Witherspoon applied his hypothetical case to the then state of the country. When we, as a portion of the British Empire, attempted forcibly to separate ourselves from the dominion of the parent State, the law of nature, which is the law of force, was the only rule for our conduct; hence, the majority had a right to resort to every means their physical power gave them to secure their object. But what is our situation now? We have a government to which all are parties, and by which the rights of all are secured. Among them is the right belong-

ing to every one, to investigate public measures and to speak of them as they may appear to merit, and this right extends to every possible act, short of meditated resistance to the law.

Permit me to take a short review of the most prominent public transaction, since the commencement of our difficulties abroad. I will lead your attention no further back than to the period when the treaty negotiated by Messrs. Monroe and Pinkney with Great Britain was rejected by the President, because it always has appeared to me that that act was the foundation of all the evils which have since befallen the country. I do most sincerely believe that, had it been ratified, we should not only this day enjoy the blessings of peace, but have little, if any, cause of complaint against our present enemy. It had been negotiated under circumstances as favorable as any American could wish; circumstances which once passed might never return. Its provisions, though not such as they would have been had we had it in our power to dictate the terms, were more favorable than those of the treaty of 1794, which had received the sanction of Washington, and under which we so eminently prospered. They were "honorable and advantageous to the United States," in the opinion of our Ministers, now members of the Cabinet; but it was indignantly rejected by the President, and gentlemen who now constitute the majority approved of his conduct. It was supposed that the situation of Great Britain would compel her to submit to any terms the Administration should dictate; or, if she would not, it was better to have "no treaty." Gentlemen were mistaken in both. They could obtain no better terms, and the effect of having "no treaty" we now witness in the calamities of the country.

After gentlemen had foregone the advantages of negotiation, they set about to invent and apply their own remedies to cure the disorders of the body politic. The embargo was the first that succeeded the rejection of the treaty. It was hailed by the Administration, its friends, as wonderfully efficacious, not only as a remedy, but as a preservative. It was to coerce the belligerents (or rather Great Britain) into an abandonment of their injurious policy, and to preserve us from war. After the experiment had been made sufficiently long to evince its preposterous absurdity, and to occasion loud complaints, in many parts of the Union, it was abandoned, and a commercial non-intercourse with the dominions of the two great belligerents substituted. This measure was adopted, not because a majority were convinced of the inefficacy of the embargo, but because the people would not bear it any longer. To this very day "all true believers" are firmly persuaded that it would have been effectual had it been continued, or had it not been violated. This proves to me that they do not understand the character of a free Government. A free people will not long submit to great privation, the necessity of which they cannot comprehend. And in a

free Government, where the laws are necessarily mild, you cannot enforce regulations militating against the general habits and interests of the community without changing it in reality into a despotism. Napoleon could not execute his anti-commercial system among the people in Holland until he placed every individual under the control of military power. This is the only means which can execute an embargo in this country. And of this, it seems, the majority are convinced—as they have lately adopted it themselves.

After the non-intercourse had been in operation long enough to subject our farmers and planters to at least ten millions of dollars loss in the sales of their produce, burdened with the expense of double freight and double insurances, I thought I saw a strong disposition in this House to get clear of it by some means. But it could not be abandoned, consistently with the policy which had been adopted, as long as the belligerent edicts continued, without substituting something in its stead. A substitute seemed with the majority to be indispensable. A substitute was the rage; but what it should be no person could tell. I recollect about that time, an honorable member from Virginia, (Mr. GHORSON,) whose ardor and honesty in the cause I very much admire, in accents of despair, exclaimed, What! no embargo! no non-intercourse! no substitute! As if the destinies of the nation hung upon one or the other. At length, however, “a substitute” was brought into the House by an honorable member from North Carolina, (Mr. MACON,) of a very innocent and harmless character, afterwards baptized “Macon’s Bill No. 1.” By its provisions, the merchant vessels of Great Britain and France were to be excluded from our harbors entirely, but commercial intercourse in every other respect was permitted with those powers. I was friendly to its passage; not because I believed it was calculated to coerce the belligerents or even induce Great Britain to retaliate, but I thought it well enough to throw into the hands of our own people the whole profits of carrying our products, as Great Britain had not been friendly towards us. As to France she was out of the question, as none of her ships visited our ports. But, above all other reasons, the conviction that the majority must have a “substitute,” was the most cogent to influence me to support the bill. I feared that if they could not get that, which was perfectly harmless, they might adopt some other that would do mischief. It passed this House, but was unfortunately rejected in the Senate; I say unfortunately, because I believe it probable, had it become a law, we should have got clear of the restrictive system, and perhaps this day have been at peace.

After this bill was rejected, a new “substitute” was in demand. But what it would be, or what it ought to be, seemed to be the question. Ultimately some one, more sagacious than the rest (who it was I know not to this

day) discovered that the only way was—to induce one of the belligerents to relinquish his injurious measures, by promises of resistance against the other should he continue his, and that other would follow his example; or, if he did not, you had then an opportunity of directing against him alone the whole force of your power, which the course marked out in the report of the Committee of Foreign Relations in 1808-’9, forbid against either, as long as they both continued to injure you. A bill was reported, containing provisions calculated (as was supposed) to secure one of these objects, called Macon’s Bill No. 2, which finally passed into a law on the 1st of May, 1810.

In the progress of the bill through this House its friends manifested great expectations. They seemed to believe that they had fallen upon a most fortunate expedient, calculated to obtain respect for our commercial rights, by exciting in the belligerents a spirit of emulation to precede each other in ceasing to injure us. The infatuation, for I can call it nothing else, pervaded the most intelligent who were friendly to the Administration. I recollect to have heard in conversation an honorable member from Massachusetts of considerable talents, then a member of this House, declare that the bill provided a certain remedy for the difficulties under which we then labored. I was astonished to hear him make such a declaration—because it appeared to me, that every one who had paid any attention to the character and wishes of the French Government, could see in this measure the seeds of the evils of which such an abundant harvest has since fallen to our lot. It was the very measure which afforded full scope to the deception and chicanery of the French Cabinet to draw us from our neutral attitude, and such has been the effect. Scarcely had the act of the 1st May been received at Paris, when the toils were spread, and the Administration were caught. I wish I could believe they were willingly caught. The President, on the second of November, 1810, announced, on the authority of the letter of the Duke of Cadore of the 5th of August preceding, that the decrees of Berlin and Milan were revoked—an assertion, to say the best of it, which has never been supported by any proper evidence, and about which men differ according to their political opinions. The consequence was, that in relation to Great Britain the non-intercourse was put in force, and the ground of impartiality abandoned, to which the Administration had always professed rigidly to adhere.

But it was not to be expected that we should long remain in the situation in which that act placed us. It was the natural forerunner of stronger measures. As the fact had been asserted that France had ceased to violate our rights, and Great Britain alone remained unjust; another step became indispensable, as soon as public opinion was ripe for it. Accordingly, at the commencement of the session, in November, 1811, the President recommended

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to us, "an armor and an attitude suited to the occasion;" and a large army was voted, under the impression, I believe, that Great Britain had counted on our pacific policy, in which it was necessary to undeceive her by warlike preparations, when she would do us justice. The war was ultimately declared. And we were flattered with the most extravagant promises of its speedy and successful termination. As to the subjugation of Canada, that was almost too unimportant to detain gentlemen in their career of glory. I recollect an honorable member from South Carolina, (Mr. CALHOUN,) who the other day talked about the predictions of the minority having failed, then pledged himself that the greater portion of the country would be in our possession in six weeks after the war should be commenced. Some gentlemen even supposed that no efforts of ours were necessary; that the Canadians were panting for the glory of conquering themselves. Two campaigns are now wasted, and you are no nearer your object than when you began.

After this review of the measures of Administration, which gentlemen have uniformly supported, and which have progressively brought us into our present calamitous situation, I should like to know upon what principle they can set up their high claims to our confidence. Has any one of their measures succeeded? Have they been able to perform any of the promises so lavishly made? They rejected the Treaty of 1806 and promised you a better. They were mistaken. They resorted to the embargo, to coerce Great Britain, and to save you from war. Great Britain maintained her policy and laughed at your embargo, and you are now at war. They adopted the non-intercourse with equal effect. The act of May, 1810, was to relieve you from the injustice of both belligerents; it has brought you into a ruinous war with one, without obtaining justice from the other. The war finally was to secure every thing. It has secured nothing—but, combined with the restrictive system, sacrificed every thing. The whole system of measures in fact, from the beginning, has been a miserable patchwork of expedients, resorted to as occasion seemed to require, without any regular and liberal policy. For myself, therefore, I cannot unite with gentlemen, however much I may respect them as individuals, in a course which has led us into many evils, and which, in my opinion, if persisted in must terminate in ruin.

I hope I shall be indulged, on this occasion, to use the liberty which gentlemen on the other side frequently exercise. Permit me, also, in my turn to invite to union. A union, not to support measures, which every day's experience condemns; to continue a hopeless, disastrous, and ruinous war; to fasten on ourselves and posterity, a heavy load of burdens; to cherish the profligacy of those who riot on the public spoils. But a union to restore the general happiness. Let them come over to us, and with us travel the path that leads to peace and

national prosperity, from which they have departed. Their policy stands condemned by universal experience; to ours it has given a high sanction. I repeat, therefore, unite with us, and restore peace to our country.

The committee now rose.

SATURDAY, February 12.

The Loan Bill.

The House again went into Committee of the Whole, on the bill to authorize a loan for the year 1814.

Mr. FINDLAY addressed the Chair as follows:

Mr. Chairman: I have voted for the declaration of war, and for the means necessary to carry it on, but have not heretofore on that subject accompanied my vote with my reasons for giving it, believing that such reasons had been given by others, as were self-evident; I now, however, claim the attention of the committee to a few of the reasons that determined me to vote for war, and the means of carrying it on with effect, and consequently to vote for filling the blank with twenty-five millions of dollars, as I design to do. This is the third declaration of war that I have lived to see, and I have read of many more, I believe of most that have been declared in Europe on the system that has been adopted for two centuries past; and I have observed but very few of them declared on grounds so perfectly justifiable as that in which we are now engaged.

I have, sir, heard one, if not more, respectable and honorable members, to give weight to their arguments in opposition to this war, mention that they themselves had learned their politics in the old school—the school of WASHINGTON. You, sir, I know, consider old men to be privileged to some extent to talk about themselves; this having been already admitted to others, I will make some use of the privilege, because this will be connected with my argument. I am, sir, now an old man. I have the frost of seventy years on my head. I am a scholar of the old school—of the school of WASHINGTON. I was elected a member of the first committee appointed to promote independence, in a very respectable and then very extensive old county of the same State that I have still the honor of representing in this House. I was employed in confidential stations to support it when declared. I risked my life oftener than once, in situations where several of my friends fell to give it the support I thought it deserved. When the present Government was put in operation, and Gen. WASHINGTON was appointed President, I was consulted by him about the circumstances and defence of the Western country, before I had the honor of a seat in Congress; and owing to particular circumstances, was more intimate with and more consulted by President WASHINGTON and the members of his Administration, than ever I have been by any succeeding one. Therefore I claim a right to be a disciple of that school, and perhaps the oldest one in this House. But it is proper to inquire, what was the doctrine

taught in this school? This may be substantially found in the official documents of that period.

In President WASHINGTON's remonstrance, presented to the British Minister, he says, that the British Government had broken the definitive treaty before it was known in this country, and continued to break it after it was known.

That they continued to break it after it was known, we are taught to remember by very serious tokens; they continued to supply the savages, by whom they had desolated much of our country during the Revolutionary war, with every implement for distressing the most exposed part of our settlements. Kentucky was made the unceasing object of their attack, and even Pennsylvania did not escape. On the conclusion of the Revolutionary war, Congress found themselves possessed of as little power as means of providing for the general defence, and gave some reason to believe that they were not very zealously disposed to defend the Western frontier; they seemed rather inclined always to consider the frontier settlers as the aggressors. This and other causes rendered it necessary, or at least prudent, for Gen. WASHINGTON to send a confidential agent (Mr. Innis) on this inquiry as part of his mission. He reported an amount of sufferings in Kentucky beyond what had been conceived, while their hands were bound up from even defending themselves by retaliation.

During the first Congress of WASHINGTON's Presidency, and without any act of Congress for that purpose, he sent out an expedition against the hostile Indians under the command of Col. Harmer, composed in part of the militia from Pennsylvania, Kentucky, &c. They were defeated, and besides other friends whom I valued, a young man, a near and dear relative of mine, was killed and scalped by the savages. The next season, Gen. St. Clair was sent out with an army provided by law; he was not only defeated, but his army destroyed. It was raised only with a view to subdue the Indians between the Ohio and the Lakes, but the savages from the deep recesses of the woods were brought to Detroit, still at that time in possession of the British, contrary to the express terms of the definitive treaty, and furnished with every thing necessary for war, and sent against Gen. St. Clair. I recollect this the more perfectly, because, on the receipt of that information by the President, I was sent for by the Secretary of War, and informed of it; the Secretary lamented that the information came too late for the Government either to recall or reinforce General St. Clair. Government was, therefore, under the necessity of raising a large and more permanent army, which was put under the command of Gen. Wayne, and which, after four years, became eventually successful. Much more information might be given of the hostility of Britain against the United States during this period, but I will only detain you, sir, with one instance. A council of the Indian tribes was convened by Lord Dorchester, then

Governor of Canada, in which he engaged to supply them, in behalf of Britain, with munitions of war, and encouraged them to proceed in war against the United States with an expectation of the co-operation of the British Government. This was first shown to me in confidence, but has been since published even in British prints. The British Minister was called upon to account for it. He gave no satisfactory answer; so, we are informed, Gov. Prevost, of Canada, has done when called on about the worse than savage depredations on the Chesapeake. After peace was made with the Indians, and Jay's treaty was ratified, President Adams informed Congress as early as 1797, of the British agents being employed in forming a confederation of all the Indian tribes against the United States, the truth of which has been severely verified.

Much has been said in opposition to the conquest of Canada; in almost every argument against the measures of Government, the attempt to make the acquisition has been denounced, as both unjust and unwise. This, sir, is not the doctrine of the school of WASHINGTON, nor even of New England while colonies. It is well known that they, while colonies—principally Massachusetts—equipped and sent out a powerful armament at their own expense for the reduction of Canada, to commence with the taking of Quebec, under the command of their Governor. The winds and waves defeated them; many were lost by shipwreck, those who escaped returned home. It is remembered by many yet living and recorded in history, the very great assistance which the colonies, especially New England, contributed to aid Britain in conquering Canada from France during the seven years' war. In accomplishing this object, much American blood was shed.

When the aggression of Britain forced the colonies, though still acknowledging allegiance to the British Crown, to appeal to arms in defence of their rights, one of their earliest objects was the conquest of Canada. The approaches to it were secured, and the plan laid for its future reduction, before the declaration of independence was agreed on, and officers appointed and an army raised for the final conquest of Canada. In the Autumn following the declaration of independence, General Washington detached a division of his army under the command of General Arnold to co-operate with General Montgomery in the reduction of Quebec. The misfortunes that prevented the final success of that plan, are too well known to require to be repeated; but though the plan was at that time defeated, it was not relinquished. As soon as the French alliance was obtained, the plan was renewed by Congress. General Washington was consulted on the subject, and the Marquis de Lafayette went to France to negotiate for assistance to complete the conquest of Canada. He did not, however, succeed, and the object was from necessity relinquished.

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It may be asked, what was the object of the New England colonies, and afterwards the United States, in being so solicitous for the conquest of Canada? Was it to acquire a greater extent of territory? No: it was solely as a defensive measure of the first importance; it was, as they express themselves, to secure their frontier settlements from being destroyed, and their people without regard to age or sex, scalped and barbecued by a savage and ferocious foe, instigated and supplied with the munitions of barbarous destruction by the agents of a foreign nation whenever they thought proper. If this was a justifiable reason for the conquest of Canada in defensive war by offensive operations, when our settlements but in a few instances were extended to the sources of the Atlantic rivers, how much more justifiable and necessary it is now, when our people are increased to more than three times the number, and our settlements extended far and wide on all the Western rivers, as well as to the South?

Mr. Chairman, some of those who were opposed to the war, and every measure proposed for carrying it on to effect, denied that the Indians either provoked or commenced the war. Not designing to detain you long on this subject, I refer to the warning voice of President Adams to Congress, in his speech to Congress sixteen years ago, to which I have alluded above, and to all the information since obtained by Government from the Indians themselves and our own agents, of the councils to which the Indians were called by the British agents, of the presents made to them, of arms, ammunition, and all other suitable goods, and as to the industry of their prophets, &c., in extending the confederation against the United States, and of the murders committed, and such rendezvous as have usually indicated the commencement of Indian war. Was the Government to look blindly on till our frontier settlements were desolated and the inhabitants murdered, without using any means of prevention? It was only by a preventive measure they did begin; they sent a commissioner, accompanied with a small army, to the principal Indian rendezvous to negotiate; they promised to negotiate the next day; but while the army lay in security, depending on the promise, they were attacked with the usual Indian ferocity in the night. Was the Government wrong in marching the army into their country? If they were in error, they learned it in the school of President Washington, who, during the first Congress, called on the militia of different States, the first call of militia under the Government, and who, with the only regiment of regulars then existing, were sent on a secret expedition to attack the Indian towns. Those Indians, I believe, were justly charged with committing murders and stealing horses in Kentucky, but not at that time in other States; on the late occasion murders had been committed, and horses stolen in different Territories, and endeavors used to induce them to desist. Before General Wayne's

treaty the Indians refused to acknowledge the transfer of that Territory to the United States in full sovereignty; but in that treaty the sovereignty of the United States, as transferred by Britain, was fully acknowledged—the Indians retaining the right of soil, disposable to the United States only; therefore, the United States had an unquestionable right to march their troops wherever it was necessary in that Territory. It may possibly be recollected by some members, that when provision was made by law for raising several regiments in addition to the peace establishment in 1808, I advocated the measure, on the ground that a military force stationed in the Indian country was absolutely necessary to prevent an Indian war; and gave my opinion that a regiment or two, judiciously stationed, might prevent a war, and incalculable mischief and expense. Though the raising these regiments was strenuously opposed, and the recruiting stopped the next session, yet no member suggested that we had no right to keep a garrison in that country, or denied that the British agents were supplying the Indians with the munitions of war.

I have, sir, examined with some attention what has usually, by the civilized nations of Europe, been assigned as causes to justify war. In some of them I could only discover that the party assigning them only wished for an excuse to get to war; but that a nation, by its agents, exciting war in a neighboring country, was an act of hostility, and a just cause of war against the aggressor, is agreed by all; yet the nation against whom the hostility is committed is the proper judge of the time and manner of correcting it. If there was any doubt of the hostilities committed by Britain, in exciting the savages and supplying them, it might be supposed that their so instantly incorporating them in their armies, and patronizing their savage barbarity in conducting the war, is a sufficient proof; therefore I conclude that their exciting and supporting the savages in a war against the United States, was alone a justifiable cause of war, and renders the conquest of Canada not only expedient but a necessary defensive measure, and would alone justify the war; but it is not alone. I do not, however, design to detain the committee with explaining all the causes of war that existed before it was declared. I design, principally, to confine myself to one other cause, viz: the impressment of our seamen, and on that I will chiefly confine myself to the question of expatriation, on which some extraordinary opinions have been advanced—opinions to which I seem to be personally called to pay attention.

Mr. Chairman, I drew my first breath in the British European dominions, but have been in this country more than fifty years. As early as 1775 I served as a member of the committee elected to preserve order when the King had renounced the protection of the Colonies by dissolving their Legislatures, and to provide for the public defence, and also to prepare the way for independence: and when it was de-

clared, though not in the regular army, I risked my life more frequently, and for longer periods, where many of my friends fell, or were taken prisoners, for its establishment, than any law required; I on more occasions than one volunteered my services in support of it, as several of my near relations have already done in the present war. Therefore, on the principles now advanced, I have long been, and yet am, at least a moral traitor of a high grade, and for which, if I cannot be punished in this world, I must account in another. I may, however, be answered, that we were all equally traitors at that period, being equally born subjects to the British King, but were morally justified by the justice of the cause. This answer, however, will not justify me on the principle of perpetual allegiance to the country in which I first drew my breath. I drew my first breath in Ireland, which then was, and continued to be a component part of the British Empire; therefore, on the principles now advanced, I am still under a moral obligation of allegiance to that soil and Government. This was not the case with those who drew their first breath in the Colonies; they supported the allegiance to the soil in which they drew their first breath, and only became traitors to their King. Kings may be changed or die, but the soil where we drew our first breath continues unchangeable. Therefore, I was a traitor on another and much higher principle than the native colonists. I also took up arms and held official appointments of pretty high trust before I was a naturalized citizen. Indeed, I never have been naturalized, except by the definitive treaty. It is true, that during the Revolutionary war, I, in common with the native colonists, took an oath to support the independence of the United States; this oath was prescribed by the State Legislatures, to distinguish between Whigs and Tories, a distinction then well known, that the latter might be double taxed, and deprived of political privileges. That old school of Washington did not admit advocates of British aggressions and traducers of their own Government to sit in the National Councils, nor enjoy political privileges, but they did admit many into their councils and armies who had not drawn their first breath in the Colonies, without any act of formal naturalization. Municipal laws for naturalization are introduced for the security of the State which enacts them, and not for the security of other nations; perhaps the United States is the only nation which has a standing general law for that purpose; Britain has none, yet admits to citizenship for a short time of service on the ocean. No nation is obliged to have such a law, yet all nations are obliged to treat strangers who come among them with hospitality as long as they permit them to stay, and to grant them protection, in return for which they are obliged to support the government and obey the laws; we oblige them to serve in the militia, constables' guards, &c.

Mr. Chairman, I really do not understand

how happening to draw my first breath in a particular spot can bring me under a moral obligation of perpetual allegiance to that spot, under the penalty of being guilty of treason, which is allowed to be the highest crime a man can commit in society. I have been taught to believe that the law of nature, which is the law of nature's God, made it the duty of every man to consult and pursue his own happiness, and that this conduced to the general happiness. I have acted on this principle. The same supreme law also taught me that I could not be brought under a positive moral obligation but by a conscious act of my own will. Now, sir, I am not conscious of where or when I drew my first breath; my will was not consulted about it; it was not my voluntary act; I was wholly passive in that business. Therefore, no moral obligation can arise from it to bind my conscience to perpetual allegiance to that spot of earth. If this reasoning is correct, I conclude that I am not guilty of the high crime of treason; that I am not a traitor. About twenty years after the time I was told I had drawn my first breath, consulting my own happiness, I came to Pennsylvania, where I have resided for more than half a century. I have found that doing so conduced to my own happiness and the happiness of those with whom I am connected. I have a pretty numerous family of children and grandchildren, who, as far as they have grown up, bear true allegiance to the country of my choice, but do not consider themselves as slaves to the soil on which they were born because they happened to draw their first breath in it.

I have said that this is the doctrine of the law of nature. I will add that it has been the practice of free and civilized nations of the world, as far back as we can trace their history. After God had created the human race, he commanded them to increase, and multiply, and replenish the earth, which he apportioned to the different original families; but they, or at least the majority of them, rebelled against this commandment, and erected a despotic government on the plains of Shinar, (Chaldea.) The first despotic Government of which we have any information, and the first national sin of which, we are informed in sacred history, was, like the opinion of the gentleman to whom I reply, refusing the right of expatriation. The Creator and Supreme Governor of the world said, "Disperse abroad, and replenish the earth." "No," says the Government of Shinar, "we have chosen a fertile and beautiful situation; we will compel you to stay to defend the Government, to which you owe a perpetual allegiance; we will establish here a universal empire; we will make ourselves a name, and an elevated tower, that we may not be scattered abroad." But God punished this despotism contrary to his law of nature, and, by confounding their language, laid them under the necessity of dispersing themselves abroad, and replenishing the earth in small colonies of

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emigrants, which laid the foundation of such numerous small nations as we observe in the time of Abraham.

The empire of Shinar, (Chaldea,) it appears, was soon dissolved, and we find, from the same record, the emigration was free in all the countries of the East for some ages; we do not find that they asked leave to emigrate from the country which they left, but they did request admittance into the country to which they came. Jacob and his sons requested permission to settle in Egypt; they were received and treated with hospitality; but, after they had increased in number, and all those who had been born before they came to Egypt were deceased, they proposed to emigrate to Asia, from whence their ancestors had come; but the King of Egypt, then become a despot, refused to permit them to remove. The ruin that this brought on that King, and the distress it brought on the nation, it is not necessary to repeat. After this period, emigration appears to have been freely admitted between Egypt, Phœnicia, Greece, &c., till, perhaps, it might have been interrupted by the rise of great empires, the scourges of the world; but it is well known that it was freely admitted by the civilized and free nations of Greece and Rome. They gloried in this as the test of their freedom and civilization. The moral law of nature, and the examples I have quoted, are the schools from which I have derived my principles on this subject, as well as from the school of Washington, who admitted every free emigrant into the Army, even without naturalization, if he was not a deserter from the enemy's camp. Such he would not trust.

The question of expatriation, in the present contest, derives its importance from the question of impressment. The Greeks and Romans considered violence done to one citizen as an act of hostility against the whole nation, and resented it accordingly. So did all nations, not even excepting the savage tribes. So did President Washington; so did President Adams, and every succeeding Administration, only they exercised longer forbearance than the ancient nations would have done.

As early as 1792, President Washington in his instructions to Mr. Pinckney, then our Minister near the Court of London, mentions one instance of British impressment that had recently taken place, and instructs our Minister in remonstrating against that outrage to inform the British Court that it was such an act of hostility as, if persisted in, would certainly provoke retaliation; or, in other words, was clearly indicating, that it was a just cause of war in his opinion. He also objected to written protections as a test of citizenship, because our flag was the proper protection of all that sailed under it. When Jay's Treaty was made, this question with some others was postponed for further negotiation. Another Minister, Rufus King, was sent without delay, with positive instructions to renew the negotiation on that

subject. On the same principles similar instructions were renewed and strongly enforced by President Adams, and continued to be so by President Jefferson, but without success. These things are so generally known, that it is not necessary to be more particular. Some gentlemen who hear me are so well acquainted with the facts, that they can correct me if I am mistaken. I, sir, agree with Washington and Adams, that impressing seamen of any description, whether our own citizens or those of other nations, from under the national flag on the ocean, the common highway of nations, was a just, and, if persisted in, necessary cause of war. That thousands of our own native citizens were thus impressed, was a great aggravation to the aggression, but did not change the principle. Impressing French, Danes, Portuguese, &c., from under our flag, about whose language there could be no mistake, has been practised, and protested against by different Presidents. President Adams, it is presumed, was as well informed on this subject as any member on this floor. He not only in his public instructions, but in his private discourse, invariably maintained that our national flag was the protection of all under it, except contraband of war. In his last instructions to Mr. King, he lays down the incontestable position, that independent nations, while they remain so, have all equal rights; that consequently, if Britain had a right to impress from under our flag, we have an equal right to impress from under theirs.

It has, sir, been repeatedly and boldly declared on this floor, by such as are engaged in advocating the cause of Britain and accusing their own Government, that Britain has enjoyed and exercised these rights from time immemorial; and they treat with a kind of ridicule our expectation that she will ever surrender them, or ought to do it, because they say her national existence depends on them; that she has invariably exercised this authority. This I deny absolutely, and appeal to facts. I do not admit it to be entitled to the name of right.

During the reign of Queen Elizabeth, thousands of Englishmen went volunteers into the service of Holland and Henry IV. of France; but though England soon after, being at war with Spain, stood in need of seamen, yet we know they did not impress their own seamen, nor seamen of other nations, from under the flag of Holland or France. As the armies of Holland have been generally composed of men enlisted from other nations, they have at all times, while they enjoyed independence, had numbers of English, and Scotch, and Germans from different States in their service. They had several regiments kept up regularly by recruits from Scotland. Britain has been at different times at war with the United Provinces, but we never have heard of British citizens who entered their ranks in time of peace, considered or treated as traitors. During the

Revolutionary war, when Britain purchased all the Germans she could procure from the petty despots, she also called on the States of Holland for the Scottish regiments; but they refused to come. Britain afterwards went to war with Holland, but did not in that war consider or treat as traitors the Scottish regiments, nor before they went to war impress seamen from the ships of Holland; nor have they impressed from Prussia, whose navy was manned with British seamen, from the admiral to the private sailor.

When the Prince of Orange arrived with an army in England to accomplish the revolution of 1688, that army was composed of officers and soldiers of different nations; a large proportion of that army, and their General, the Duke of Schomberg, were native born citizens of France. France became a party in the war, which was continued for several years; but none of the French citizens who had left France in time of peace to seek their fortune in foreign service were ever considered or treated as traitors by France. During the reign of Louis XIV., who has been often, perhaps justly, considered as a tyrant, a number of young Frenchmen, during a period of peace between Austria and France, entered the Austrian service as volunteers in a war against Turkey. One of these afterwards became the celebrated Prince Eugene. A war soon after commenced between Austria and France, when the King of France called on the volunteers to return. Eugene and a number of others who had received commissions from Austria, then considered as the natural enemy of France, refused to return. Eugene became Commander-in-chief of the army of Austria, which eventually reduced the haughty Louis very low; but during different wars of near fifty years' continuance, with some intermission, neither Prince Eugene nor these Frenchmen who continued in the Austrian service with him, were ever considered as traitors. They left France in pursuit of their own happiness, and went to a nation with whom France was not at that time at war.

The Count St. Germain, a native of France, in time of peace entered the service of Prussia; but when France engaged in the war against Prussia, he joined the armies of his native country, in which he attained a high rank, and rendered eminent services; but he was not a favorite of the King's mistress, Madame Pompadour, and his great merit was overlooked. He became discontented, and determined to resign and go into foreign service. Every inducement was given, and promise made, both by the King and Commander-in-chief, to retain him in the service. These promises, however, had been too often broken to afford confidence. He claimed his right from the law of nature to pursue his own happiness, but engaged not to go into the service of those then at war with France, but of a neutral power who eventually might be at war with it. He accepted of the chief command of the troops of

the King of Denmark, who gave him a high salary to introduce discipline and order among the troops of Denmark. Was he deemed and prosecuted as a traitor, or reclaimed for this? No, after peace was restored in France, he was invited back to France, and put at the head of the War Department.

But, passing numerous examples from different nations of Europe that might be produced, I will, sir, offer a few examples from the practice of Great Britain herself on this question. I have already mentioned instances from the time of Elizabeth; I will now offer some of a later date. On the termination of the war in Ireland, which had been for several years supported in favor of King James against King William by the natives, assisted by auxiliaries of France, by the Treaty of Limerick, the heads of the Opposition were permitted to retire into foreign service. It was soon after discovered that it would have been better policy to have rendered them happy at home. They went into the service of France and Spain, and formed the famous Irish brigade, so much distinguished in the service of those nations in their war with Great Britain, till the Revolution of France, in which we know, by their names, many of them made a figure. They continued to be recruited from Ireland in time of peace for near a hundred years. General Conway, from France, who served in the American Revolutionary war, was one of them. He was born in Ireland. These brigades, continually recruited in Ireland, by the estimated amount of more than two hundred thousand, fought against Britain, the country in which they drew their first breath, from sixteen hundred and ninety till the close of the last century. They were exchanged, and otherwise treated in the same manner as the native troops of France; they were not punished as traitors. This was not singular. Holland, Prussia, Austria, &c., always had troops in their armies, enlisted or appointed from the neighboring States with which they were frequently at war. One of the sons of the sister of the King of Prussia, the famous Duke of Brunswick, had a command in his army during the seven years' war, while his brother had a command in the Austrian army opposed to him. But if they emigrated and went into foreign service in time of peace, or with a nation at peace with their native country at the time of their emigration, there is no instance known to me on record in which they were treated or punished as traitors, or obliged to return. The instance of Pakul, I presume, will not be considered as an exception. Their emigration is their voluntary act. In drawing their first breath, they are passive, their will is not consulted.*

This case has, apparently, by the gentlemen from New York and Virginia, been divided into two questions—allegiance to a particular King or Government, and allegiance to the soil or country in which we happen to be born. The native colonists were only traitors against

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the King, even if they had not been successful in the struggle for independence; but I, and others, who had emigrated from Great Britain, if this doctrine was valid, were also traitors against the country in which they drew their first breath, viz: guilty of double treason. But these honorable members seem to have more acute discernment than the British Government itself possessed at that time. Very many officers and soldiers of the Revolutionary army drew their first breath in Britain or Ireland. Generals Gates, Lee, and St. Clair, the oldest Major General now living of that respectable army, drew their first breath in Great Britain, and had held commissions in the British army. Lee only resigned the British commission the day preceding his acceptance of a Major General's commission from Congress. He was afterwards taken prisoner by the British, but he was not by them considered as a traitor, but exchanged as other officers were, agreeably to the law of nations. The Pennsylvania line of that army, considered, at least before the mutiny, as the strongest line of the Revolutionary army, was in a great measure composed of men born in Ireland. Of these, Generals Irwin and Hand, well known in the annals of that period, had been in Ireland, and held military commissions under the King of Great Britain. General, then Colonel Irwin, and many other officers and privates who had been born in Ireland, were taken prisoners at the battle of Three Rivers, but they were not considered as traitors, but exchanged on the same principles as the natives were. If this absurd, slavish doctrine, had been urged and admitted at that period, it is very probable that the present generation would not have enjoyed independence, or a Government of their own; and if we had not gone to war when every honorable means of avoiding it was exhausted, we would have enjoyed independence only in name, the expense of supporting it without the benefit. The gentlemen know that they did not offer any alternative for war but submission. Submission in important points opens the way for repeated submissions.

Mr. HUMPHREYS said he rose with diffidence to address the House, on a subject which he considered to be of more importance than any which had or probably would occupy the attention of Congress during the present session. In vain have laws been passed for adding three regiments of riflemen to the present establishment, and making other provisions for the vigorous prosecution of the ensuing campaign, if the bill now under consideration should be rejected. It was the master-spring by which the whole warlike machinery of the country was to be set in motion, and if it were rejected we should be under the necessity of submitting to whatever terms the enemy might think proper to dictate and impose.

For his part, he was satisfied of the justice of the war; that it could not be avoided without sacrificing the interest and independence of

the United States; that, in his opinion, the resources of the country were amply sufficient for its prosecution and ultimate honorable and successful termination. He did not, therefore, think with the honorable gentleman from Virginia (Mr. SHEFFERY) that no appropriation of money for its support ought to be made.

That gentleman (Mr. S.) had, in the commencement of his argument, endeavored to prove, by a variety of facts and deductions, that there was too great a scarcity of capital for the purposes of trade within the United States; that the present measure was calculated to diminish the stock and transfer it into the hands of foreigners—so that, at the expiration of three years' war, the circulating medium would not be adequate to the ordinary purposes of internal trade.

This statement of the result of the present measure would, if correct, be productive of gloomy and painful reflections; but, without an extraordinary knowledge of the finances it could be easily demonstrated that the position was altogether erroneous.

When the Government want money, a quantity of stock is created equal to the sum required; which stock is nothing more than the undertaking of Government to pay the amount of the principal and interest of the money which they may borrow of individuals, in the manner and according to the stipulation which may be authorized and agreed upon; this stock or assumption is sold to the capitalists of the country, who pay the purchase money into the Treasury of the United States, and again it is disbursed in pay to the soldiers, mariners, and agriculturists, for the support of Government, and in the prosecution of the war. Thus, if ten millions be borrowed in the course of the year, it gets into general circulation; every person in the community receives a portion of benefit from it, because it is added to the circulating medium of the country; a part enables the farmer to pay his taxes, and the balance falling into the hands of individuals may constitute a fund for future loans to the Government, if necessity requires it.

But the gentleman from Virginia "contends the stock will be taken up by foreigners, and produce the evils he apprehends." Should Government have occasion for twenty-five millions—which is believed to be the sum required on the present occasion—we will suppose the stock to raise the money be sold in Europe;—the money for which it is sold will be introduced into the United States, and put into general circulation, as has been before observed; by which process an addition of twenty-five millions is made to the floating capital of the country, which will not escape for fifteen or eighteen years, the length of time dependent on the amount of interest which is annually paid. So far, then, from the opinion of the gentleman being correct, the very reverse of what he seems to apprehend will be the result; and the only danger is, that the too great increase of cur-

rency may produce a difference between the nominal and real value of property, or rather a diminution of the value of all property from which there is a fixed income. But it is believed that no danger is to be feared from this source, as the gentleman himself contends that the capital employed in trade and in mechanical operations is inadequate to the purposes required, and it is clear that improvements in any parts of the States would progress more spiritedly if the improvers could be possessed of a sufficient capital.

Mr. H. said he was sorry to differ in opinion with many of those gentlemen (in whose correctness he had much confidence) who declared the belief that it was improper on this occasion to inquire into the injuries practised by Great Britain, which produced the present war. He thought it necessary to take a slight view of the conduct of Great Britain for the purpose of refuting the assertion repeatedly made, both on this floor and elsewhere, that the war is unjust, unnecessary, and inexpedient.

As to the justice of the war, there could be no doubt;—when it was considered that evidence conclusive was obtained at the battle of Tippecanoe, fought before the war, and from other sources, that the Indians were excited to hostilities by the British; were supplied with arms, ammunition, and every disposition to commence war on our frontiers. Emissaries were sent from the northern to the southern tribes, and strong solicitations made, and promises of support given to the southern Indians provided they would join the coalition against the United States. The horrid and indescribable massacre which was perpetrated near the mouth of Duck River, in the State of Tennessee, by the Creek Indians—that which was committed at Fort Mimms, and the war which the brave people of Tennessee and Georgia now prosecute almost to the extermination of the deluded Creeks—may all be attributed to the barbarous and savage policy and management of Great Britain. These facts are sufficient to justify the endeavor to expel from Canada all British influence and power.

With respect to the conquest of Canada, it was perfectly justifiable. It was of the greatest importance to the United States if the war against Britain in the Canadian province should be considered an offensive operation, still it was legitimate and constitutional; but can any operation of this nation, whether by land or sea, be considered as other than defensive, if it be calculated to repel the enemy or disable him for the further prosecution or continuance of the evils of which the United States had such just grounds of complaint? The war was commenced for the defence of American rights, of property, persons, and principles; in the prosecution of the war every act may be considered as defensive, which will conduce to the attainment of the objects for which hostilities were commenced. The conquest of Canada, and the expulsion of the English power from the Ameri-

can continent, would operate most powerfully in depriving the enemy of the means of annoying our commerce and preying upon our citizens.

Halifax is the place of general rendezvous for the British vessels on the American station—the place at which they may be repaired, watered, victualled, and supplied; in a convenient latitude between the West Indies and England. The ports of the West India Islands are not suitable to shipping. Without a footing on the continent, without Canada, in fact (which, as early as the year 1762, was considered necessary to the British power in America) the same quantity of shipping could not be supported on the United States coast, nor remain for so great a length of time as at present. A small fleet would in general give us the command of the American seas, interrupt and almost destroy their commerce with their southern colonies, and force them to respect our rights more effectually than is in the power of the strongest maritime State in Europe; the British influence over the Indians would be wrested from them, and the women and children on the western frontier would rest in security and peace.

Mr. CULPEPER spoke as follows: Mr. Chairman, before the question is taken, I desire to assign some of the reasons which governed me in the course I have pursued, and for the votes which I have given, and which I expect to give, upon this and sundry other subjects connected with it, viz: embargo, non-importation, war, army bills, and appropriations. I connect the embargo with the question of filling the blank, not because of its relation to this subject, but because the gentleman from Kentucky (Mr. McKEE) commenced his attack upon us by charging us with voting against the embargo in December, 1807. I did vote against the embargo in 1807, and have voted against it every time it has been proposed since, for several reasons: First, because I did believe it would injure us more than the Europeans, by destroying or diminishing the spirit of industry and enterprise for which our citizens are so remarkable. The farmer, deprived of the prospect of a profitable sale for his surplus produce, will have fewer inducements to industry during the continuance of the embargo, than when he has the prospect of a profitable market; and it must, and certainly will, have the same effect upon every branch of industry. Second, because, if it does affect the enemy in any degree, and I admit it will, it must fall almost exclusively upon the poor, who are already miserable, and who have little or no voice in the Government of England. Third, because we have an extensive maritime frontier, blockaded by a formidable navy, which though it consisted (as gentlemen on the other side of the House tell us) of one hundred ships, was unable so effectually to guard our coast as to prevent us from a profitable commerce. I believed, when we blockaded the whole of our coast by our embargo, the one hundred British ships, then stretched

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from the Bay of Passamaquoddy, on the northeast, to the Gulf of Mexico on the southwest, a distance of near two thousand miles, would be relieved from the arduous task of such a blockade, and have little else to do but to concentrate their forces, and annoy us much more effectually than they have by their blockade. These, sir, are some of the reasons which induced me to vote against the embargo, and I have seen or heard nothing since to alter my opinion. I fear my scruples will be confirmed, for I place no reliance on the magnanimity, justice, or mercy of the British, as an enemy. But, if I had doubted the correctness of my vote upon this subject, the effects of your embargo, since it became a law, would have removed all my doubts. I begin with a circumstance which happened in Alexandria, which, though limited in its effects, may be of some importance: A citizen of this place had purchased sixty bushels of oysters, which he had put on board of the packet which runs daily from Alexandria to this place; he also purchased a few barrels of flour, (perhaps four or five,) which he was about to send on board; the collector, who I understand had just received notice of the embargo, considered it his duty to demand security, conformably to the provision of the act laying an embargo; the owner or conductor of the packet, either unable or unwilling to give the security, or for want of time to draw a bond, omitted to comply. The consequence was, the packet had to be detained until the oysters were disembarked; and the men (as I am informed) had to give three dollars to a cartman to haul a load on the turnpike the next day. In North Carolina, the State which I have the honor to represent in part, it has prevented the manufacturers of salt from procuring the lumber necessary for extending the manufactory of that all important article; and when my honorable colleague, (Mr. KING,) the other day, proposed so to amend a bill upon the subject as to extend the privilege of transporting lumber to be exclusively employed in manufacturing salt, the proposed amendment was rejected.

But we have been charged with moral treason for not supporting this war. The gentleman from Tennessee, (Mr. GEUNDEY,) the gentleman from South Carolina, (Mr. CALHOUN,) and the gentleman from New York, (Mr. FISK,) have given us several lectures upon moral treason and the doctrine of morality. I know not by what rule these gentlemen try our morality; not by the Constitution or laws of the United States I presume, for I have not wilfully transgressed these laws, and I trust gentlemen are not prepared to charge us with the violation of either the Constitution or the laws. So far from it, sir, I have given the war my constitutional support, and shall continue to do so. When the law requires me to part with a share of my property to secure the remainder, I do it cheerfully, and I advise my friends, and have the vanity to believe they will, when called on

to defend their country, march with alacrity; but I never shall advise them to enlist for the purpose of invasion. The gentleman from Virginia (Mr. SHEFFER) has proposed conscience as the rule of morality—I prefer that to any rule proposed by gentlemen on the other side of the House; but I know of no unerring rule of morality, except the unchangeable and eternal rule of right, which the Author of our existence has given us to govern our conduct by, and in which rule our duties to our Creator and to each other are briefly described. By examining these duties, we find they originate in and rise out of our relation to God and dependence upon him; or our relation to and dependence upon each other, and are unchangeably and eternally the same. What does this say? Kill, capture, burn, sink, and destroy? No, sir—it says: Thou shalt not kill; thou shalt not steal; thou shalt not covet any thing that is thy neighbor's, &c. I had no idea of introducing the subject of morality into this House; but, as gentlemen have been pleased to introduce the subject, let us have the principle fairly settled. I do not say gentlemen who voted for and are in favor of war, have violated this rule; but I will say, I have not violated it by refusing to kill. This, sir, is the rule by which I expect my morality to be tested in the presence of an impartial Judge, by whose decisions we must all abide. While it is the passion of some to rule, of some to accumulate, and of others to shine, I hope the leading passion of my heart will be one which Heaven inspires, which reason rectifies, and which conscience approves; that of preventing all the evil and doing all the good of which my humble powers are capable.

In 1812, eleven millions were borrowed; in 1813, sixteen millions were borrowed at first, and afterwards seven and a half millions; in 1814, thirty millions is proposed to be raised by loans and Treasury notes. The estimates for 1814, are said to be \$45,350,000. But can any gentleman in this House recollect that with an effective force of eighteen thousand men, our expenses have been forty millions of dollars, and say if our ranks are filled, and sixty-six thousand men raised, we can support such an army, and defray the expenses of the current year with sixty-six millions of dollars? Certainly not. But gentlemen call on us to support the war because it has now become popular, not the war of the Government but of the people. How do gentlemen prove this? Not by the elections for members of Congress, I presume. In New Hampshire three or four members voted for the war—all have been left out. In Massachusetts six or seven voted for the war, and all but one have been left out. In Vermont one voted against the war, who has been turned out by a general ticket, but is since chosen Governor of the State. In Rhode Island, Connecticut, and New York, few changes have taken place, as very few voted for the war. In the Middle States little or perhaps no

change has been made. In Virginia, three gentlemen have been turned out for voting against the war, and two for voting for war. In North Carolina one has been turned out who voted for war. It does not appear from this statement, and I presume it is correct, that the war is very popular. Nor does it appear from the recruiting service. We began with a bounty of sixteen dollars, we have raised it to one hundred and twenty dollars, and our ranks are not filled; our regiments are many of them mere skeletons. The sixty-three regiments amounting to perhaps twenty-five thousand, sick and wounded inclusive. If applications for office prove the war popular, why then indeed it may be pronounced a very popular war. I presume we have ten or twelve thousand officers, and perhaps as many more applicants for office, and if we could form an army of officers and march immediately to Canada, I presume the province would soon be conquered if they could procure provisions.

A small majority are, perhaps, in favor of war. The citizens of the United States are strongly attached to a Republican Government; which certainly is the best form for a people who have virtue to enjoy and improve the blessings of liberty. This war was declared by those who call themselves Republicans, and who I hope are, but not exclusively Republicans, for we prefer a Republican Government. Many of the people, therefore, consider this a war for republican principles. They have been told, and no doubt honestly believe, the British contend for a right to impress native born Americans, and compel them to serve on board of their navy. Possessing, as they do, a high sense of liberty, and considering this a republican war clothed in the plausible dress of free trade and sailors' rights, perhaps a small majority would at this time vote for war. But strip this war for conquest of its borrowed plumage; let the people know that the King of England, although determined to adhere to his maritime system as a necessary measure when contending with the gigantic power of France, assisted, though perhaps reluctantly, by many of the powers of Europe, for the national existence of Great Britain, and what he (whether correctly or erroneously) considers the independence of the world, did, as early as 1806, give his cruisers instructions to respect the rights of American citizens, and gave the most positive assurance to the American Commissioners that prompt and immediate redress should be afforded on any representation of injury sustained by the Americans. Let them know that the Prince Regent, when the British and their allies are everywhere victorious, has proposed to appoint Commissioners to treat with us either at London or at Gottenburg, in Sweden, upon principles of perfect reciprocity, not inconsistent with the maxims of public law, and of the British maritime rights. That the President has acceded to the proposal, and has appointed five Envoys Extraordinary to repair to

Gottenburg, and commence a negotiation for the adjustment of our differences. Let them know that this war has, with a force too small for successful offensive operations, already cost the United States (this year included) as much money as the whole Revolutionary debt at the adoption of the Federal Constitution. All which they ought to know, in order to decide correctly. And then ask them if they desire to prosecute this Quixotic war of conquest, at an expense of from fifty to seventy-five millions of dollars per annum, either to prove our ability to conquer Canada, or for the purpose of holding the inhabitants as hostages, or the country as a bond for the good behavior of the British Government in future; and, my life for it, the answer will be no. In examining the causes, progress, and effects of the war, and the motives for supporting or opposing a continuance of it, I have said but little respecting the conduct of the French, the American, or the British Governments, only as they were concerned in producing the present state of things. As to the French Government, or the Emperor of the French, I have uniformly detested his ambition and admired his talents, both as a politician and as a warrior, and I have been somewhat alarmed at his progress, though never disposed to change my course on that account. But discovering from his own acknowledgments that his plans are disconcerted, or, to use his own words, that all have turned against him; that Kings whom he had made have forsaken him; and his power appears to be broken, and the confederation of the Rhine dissolved; and that he appears convinced of his error, and disposed to be at peace, believing if he is reformed as well as convinced, he will be a great and good man—I had rather hear of his reformation than his overthrow. I hope France, confined within her natural boundaries, will remain a great and become a happy nation; and I am willing for them to enjoy the privilege I claim for myself, that is, of doing their own business in their own way; and if the Emperor Napoleon is the choice of the French people, I have no objection to his reigning over them.

MONDAY, February 14.

The Loan Bill.

The House again went into Committee of the Whole on the bill authorizing a loan for 1814.

Mr. HANSON addressed the Chair as follows:

Mr. Chairman: With difficulty I have been brought to participate in this discussion. Many days after the bill was reported, the intention had not entered my mind. By engaging in it I knew a burden would be imposed upon me, under the weight of which, a more vigorous mind and constitution than I possess might stagger. I shall, nevertheless, with as much calmness and temperance as the magnitude and character of the subject will admit of, examine it in all the relations embraced by the reflections I have been able to bestow upon it.

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Personally convenient and necessary as I have found it to abstain, heretofore, from any active concern in the current business of the House, or, indeed, to afford my due proportion of aid in the more important proceedings that have occupied the attention of gentlemen, yet, on this occasion, it seems to be required of every member to be an actor in place of a looker-on. I am influenced by feelings more lively than a mere sense of obligation to my constituents, in lending a hearty opposition to the bill under consideration; or, if the gentleman who occupies the post of honor in the Foreign Committee (Mr. CALHOUN) prefers the expression, I will say a "systematic opposition." Such an opposition I shall be always prompt in affording to the bad acts conceived and executed by incompetent men.

After the exhibition of such commanding powers of elocution—such rare faculties of reasoning—by the honorable gentlemen who have preceded me, I confess it is with extreme difficulty that I have brought my mind to encounter the mortification of following at so great a distance behind them. I will follow them, *longo intervallo*, well pleased if I have the speed and vigor to keep even in sight of them. Though I cannot hope to approach, much less equal their uncommon efforts, I may be excused for an humble attempt to emulate their bright example.

But, sir, now that I have taken the floor, when I look before me, and survey the vast and boundless prospect which the subject presents, my mind is almost overpowered. I scarcely know where to begin, how to proceed, when to conclude; not that many topics of interest and magnitude do not remain untouched, through the considerate politeness of those who have preceded me; not that there is any dearth of reasons why the capacity should be withheld from those who evince a fixed determination to pursue a mad and ruinous career; nor that there are not still higher obligations than those imposed by a love of country, which command the patriot to break and diminish as he can the force of a blow aimed at her best interests—but it is setting one's self adrift upon the wide ocean; it is like hunting for arguments to prove an axiom—to assign reasons why this loan should not be granted—this war should be no longer persisted in. Could one plausible reason be assigned for its continuance, sufficient arguments might then be called for to demonstrate the propriety and necessity of its termination. Could encouragement be derived from the past, keeping alive hope for the future, to stimulate us on the one hand; on the other, more than a countervailing depression and despondency would be produced, by a calm contemplation of the wonderful revolution in the affairs of the world, since the fatal, ever-to-be-lamented hour when the Administration first had recourse to its "attitude and armor." Every consideration which can be suggested by minds devoted to the good of the country is arrayed

against this bill. We have still much to lose, every thing to fear, nothing to hope, and as little to gain.

For a long series of time, this Administration has been pursuing a phantom—grasping at the shade of a shadow. At this hour they are no nearer their unattainable object than when they first started. Like the infatuated alchymist, they have persisted in their experiments until the very means of continuing them are well nigh exhausted, and without the most distant prospect of realizing their visionary expectations. It may truly be said, the sword was drawn against ourselves. Failing in the hopeless attempt to subdue Great Britain, we were disgraced, humbled, deprived of many valuable lives; the nation was loaded with immense debt; the public safety jeopardized, or made to rest upon the humiliating and precarious reliance of an enemy's forbearance; successful, the sword was sheathed in the bosom of our own country. England conquered, where should we have concealed ourselves from the searching eye of the fell destroyer—where found shelter from the tyrant's fury? Victorious, we were conquered, defeated, ruined. Such is the nature of the contest we are engaged in—a war without hope, carried on for objects unattainable.

Is any motive to be found for its continuance in its conduct, the events which have attended it, or what all must now join in believing will be its issue? With the same weak counsels; with the same incompetent men to direct our armies; with a divided, disheartened people; contending against a formidable nation, united to a man against us by what they conceive to be the justice of their cause; flushed by the success which has everywhere attended their arms, left without a rival on the globe;—what must be the consequence of adherence to feeble and desperate counsels? Released from her struggles on the Continent, let England pour her veterans into Canada, can we conquer that province? Let her resistless marine, no longer restrained by motives of humanity, lay waste our seaboard, where are our means of defence? Already has army after army been driven out of Canada, captured or slaughtered. Loan after loan has been negotiated and wasted, and without our rulers condescending to tell the people the causes of these disgraceful failures; but, when called by a solemn vote of this House to make known the causes, referring us to a mass of unmeaning documents, from which nothing is to be extracted but evidence of the incapacity and ignorance of all who have helped to swell the volume of trash; declaring it would be unsafe to trust the people's Representatives with a knowledge of the actual state of our army; refusing to tell, or unable to say, what has been the cost of the war, or how the supplies already granted have been applied; keeping the people in the most agonizing suspense and painful ignorance of the state of the nation. And yet we are called on to unite in

a vigorous prosecution of this war! My moral sense, sir, revolts at the invitation. Neither threats, denunciation, nor entreaty, can force or seduce me to plant a poignard in the breast of my country, already bleeding and languishing under so many wounds.

I am already admonished, sir, to prescribe limits to the range of debate I find myself gliding into. I proceed, at once, to examine the budget before the House. It is with some diffidence I enter upon an examination of the estimates submitted by the chairman of the Committee of Ways and Means. That branch of the debate I was content to have confined to the two honorable gentlemen (Mr. PIERCE and Mr. SHEFFERY) who preceded me. I must, however, endeavor to supply some striking omissions in their luminous exposition of the public finances and resources. The prominent and great defect which runs through the exposition of the honorable chairman of the Committee of Finance is so important that I must claim the indulgence of the House while I attempt to explain it. Though the House has been amused by fanciful, fallacious, and exaggerated estimates, to show the capacity of the people to lend, it has failed to elucidate the ability of the Government to borrow. That ability depends upon the disposition of the people to invest money in the public stock. To produce that disposition, their interest must be consulted. It must be made their interest to lend, by furnishing sufficient Government securities, providing indemnity against loss. If a permanent, efficient fund is created, coextensive and coeval with the public debt, and that fund pledged for the payment of the interest, the capitalist may then see his interest in becoming a public creditor. You then create the ability to borrow, by producing a corresponding disposition to lend, which, in finance, are convertible. But if, from a fear of losing popularity by resorting to an odious system of taxation, you fail to provide a permanent revenue, adequate to the punctual payment of the interest, and looking to the gradual extinction of the principal of the debt to be created, the public credit must suffer, and the moneyed men will find it to their interest not to aid the loan. I have too much respect for the understanding of the House to enlarge upon this topic.

After a fair and deliberate examination, I pronounce the system of ways and means, submitted to the House, deceptive and disingenuous. These are strong and harsh terms, but I speak in the language of the distinguished gentleman who now presides in this House with so much ability, dignity, and impartiality. I speak the language of the late Committee of Finance, and of this House, who adopted the memorable report of that committee, which denounced and reprobated in the strongest terms the very system now recommended. I speak the language of every financier and political economist, whose opinions are respected in free and well-regulated Governments, when

I say it is ruinous and destructive of public credit to enter upon a system of loans without providing the ways and means commensurate with the demands of Government; without creating and pledging a fund securing the public creditors in the punctual payment of the interest, and ultimate reimbursement of the principal of the public debt. It is a maxim in finance—a fundamental principle of public credit—never to borrow without providing the means of paying the interest, and finally extinguishing the principal. To act upon a different system—to rely upon loans to pay the interest of loans—is to adopt a most desperate system of fiscal gambling; sapping the foundation of public credit, and conducting to national bankruptcy. Well versed in finance, the predecessor of the present chairman of that committee could not be induced to sanction, much less recommend, a system of ways and means founded in a studied concealment of the public finances, and not built upon the substantial resources of the country. Disdaining to act upon a system of temporary expedients, to preserve the people's favor at the cost of the country's interest, he frankly communicated to the House the real state of the finances. He acknowledged the wants of the Government; he introduced a system of revenue to meet the public exigencies, and preserve the public credit. Gentlemen cannot so soon have forgotten the letter addressed by the Hon. Langdon Cheves to Mr. Gallatin. The reply of that Minister must also be fresh in their recollection. So direct and explicit was Mr. Gallatin's answer in regard to taxes, that many at the time supposed—I was fully persuaded—his object was to deter the Congress from declaring war, by holding up to their view a frightful picture of internal taxation—the inevitable consequence of war.

The present men in power have not only endangered the public credit by a violation of "all those principles held sacred by every country," but they have deliberately violated the public faith. The fact is demonstrable. The eight million sinking fund, pledged for the payment of the old public debt, has also been pledged for the payment of the eleven million loan, the sixteen million, the seven and a half million loan, and it is to be again pledged for the twenty-five million loan. The same sinking fund is also pledged for the redemption of the Treasury bills. These Treasury bills, by law, are made receivable at the custom-house for the imposts. These bills, possessing no intrinsic value—a mere artificial value, imparted to them by the fund pledged for their redemption—destroy the value of that very fund. The sinking fund is rendered valueless, and may ultimately, as far as it is derivable from commerce, consist merely in these bills, which are a legal tender for commercial duties. This position is so evident that it requires no illustration.

I must now be indulged with a few remarks upon the ability of the Government to borrow,

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or the capacity and disposition of the people to lend. It has been admitted by one gentleman that the loan would be filled. I entertain no such opinion. I believe it will fail. Unless a most exorbitant interest is given, it must fail. Nor is it certain that any premium will insure success.

The Eastern States, being free from blockade, have become the depot of most of the foreign articles imported into the United States, for the supply of the whole American continent. These articles, owing to the combined efforts of the public enemy and our own Government, cannot be paid for in the produce of the Southern and Middle States, and must be met by specie. If the coasting trade were not destroyed—if the trade of the several States with each other had to contend only against the public enemy, the debt thus accrued, in favor of the North, would have been discharged during the Winter months, by the bulky articles of Southern growth, easily transported by our coasting craft.

The President, in a manner not to be disregarded, recommended to Congress to stop this traffic. The mandate was obeyed; and specie alone must go to meet the demands of the merchants of New England. This causes such a pressure from the East, on the banks of the Middle and Southern States, as will deprive them of the means, if they have the disposition, to fill the loan. The accumulation of capital in the State of Massachusetts alone, enables that State, by pressing New York, to reach the extreme Southern end of the chain of banks. It cannot be concealed, or denied, that a very general alarm is felt for the critical situation of the banks, produced by an accumulation of capital to the North in the manner mentioned. The consequence is, that the whole circulating medium of the country is in danger. Sir, gentlemen seem not to be aware of the difficulties with which they are beset. I do not wish to ruffle their serenity, by exciting apprehensions; but they should be prepared to encounter troubles which they have hitherto been strangers to. They should be prepared for an explosion, the noise of which may not reach their ears in time for their retreat. The very foundations of the Government tremble beneath it. The ground on which Ministers stand is hourly washing from under their feet. Let them fail in their loan, and they are undone. They have no excuse for not providing the ways and means called for by the public exigencies, but the fear of offending the people, and yet the popularity of the war is the favorite theme of its authors. A crisis has arrived in the finances of the Government, which, unless promptly and vigorously met by efficient measures, will bring on certain ruin. The credit of the Government once destroyed, cannot be easily reinstated. It must be destroyed if this system is pursued.

Mr. Chairman, upon this question of impressment, allegiance, protection, and retaliation, which has been connected with it, gentlemen

here may fret, rail, and argue, until doomsday. They may set up new-fangled doctrines, unknown to public law, and deny old and established principles, but as far as depends upon the opinions of the ablest jurists, and the practice of the oldest regular Governments, the point in controversy is long ago settled. It is immutably determined. It is inherent in the very nature of society and Government. If it were otherwise, every political society would contain the seeds of its own dissolution and destruction, instead of the great inherent principle of perpetuity and power. Sir, we have no right to the service of the subjects of a foreign Prince. We can, if we choose, and have the power, protect them against the superior claim of their native country—we may declare a war for such an object, but we derive no such right from social regulations or the public law of nations.

It is a fundamental maxim of the common law of England, which, I believe, we have no power to repeal, or just pretension to render nugatory in its operation, "that natural allegiance is perpetual, and cannot be affected by time, place, or circumstances, nor can it be changed by swearing allegiance to another Sovereign—the subject may to be sure by such means entangle himself, but he cannot unloosen the bands which connect him with his native country."—[See *Blackstone's Commentaries*.]

Availing themselves of the indulgence of pursuing their happiness in whatever climes their fortunes may lead them, if they form engagements with another Government inconsistent with their prior and permanent obligations to their native country, it is an act done in their own wrong. They enter into a contract from its nature void, *ab initio*, because it requires two parties, both able, to make a valid contract. In the case mentioned one of the parties to the contract of naturalization was disabled from contracting. If the foreigner, owing original and permanent allegiance to his native country, from which he has no power to absolve himself, except by her consent, express or implied, engages to perform opposite and irreconcilable duties, he alone is to blame for the difficulties in which he may find himself involved. This I conceive a full answer to every thing alleged of the hardship of naturalized citizens being forced to perform conflicting duties. Is it said naturalized citizens may be forced to bear arms against their native country, and therefore are entitled to protection from their adopted country, as native citizens are within, and without our territorial jurisdiction? They were not forced to abjure allegiance to their Government. The fault is their own, if they have "entangled themselves" by an act done in their own wrong.

Mr. Chairman, when we look for a moment at the present situation of our country, and contrast it with the power, resources, prosperity, and fortunes of England, it ought to bring gentlemen to a pause. They should determine at once to travel no further in the road to ruin,

and to retrace their steps. I repeat, we have nothing to hope, every thing to apprehend, from a continuance of this unequal ruinous contest. It must be abandoned, or its authors will be driven headlong from power by the people.

How much better for the honor and fame of our rulers, for the glory and prosperity of the nation, would it have been, had their principles permitted them to pursue the counterpart of the memorable, never-to-be-forgotten example of the Crown Prince of Sweden. The name of this illustrious warrior and statesman was introduced in debate by an honorable gentleman from North Carolina, (Mr. MACON.) He named a prince, sir, second only to "Alexander the Deliverer," in the glory of saving a world from bondage; a prince, bound by no natural ties to the people whom he governed; raised to that Government by the hand of Bonaparte himself, yet declaring, that a sense of honor, gratitude to a people who had received him into their bosom, and a determination to maintain their rights against foreign encroachment, compelled him to resent the insolence and resist the violence of France. Bernadotte would not tolerate the insolence of an upstart French Minister, who assumed towards him the tone and port of a Roman Proconsul, talking to his slaves. He, too, was by turns wheedled, flattered, denounced, and threatened. No arts or menaces were unessayed to draw or force him into the French Confederacy; but he preserved his integrity, he maintained his independence and honor. He did not cringe, and bow, and coax, and in the spirit of meanness, "like a reptile crawling on the belly," entreat the tyrant's insolent Minister to take back his insults—or, only to erase from the records of his mission the evidence that they were given. He did not send a favorite right-hand Cabinet counsellor from Stockholm to Gottenburg, to persuade a French Minister to recall or modify his abuse. He did not pick a quarrel with a British Minister, and dismiss him to propitiate the tyrant, and soothe the anger of his irritated Minister. No, sir, this detestable Crown Prince, now so odious in the estimation of the present republicans; this "traitor" disdained to truckle to a tyrant. He would have cut off his right arm—he would have laid his head upon the block and bled, as every man of true courage and honor would have done, in preference to such a dastardly sacrifice of honor; in preference to such high treason against all that adorns, and exalts, and dignifies, individual and national character. No, sir, "Bonaparte's Sergeant," as he is now contemptuously denominated, because he too would not be tied to the imperial cart-tail, and consider it a distinction to be dragged through the same mire and thorns that have so beslimed and wounded this people, appealed to the sword, and maintained his own honor, and the independence and glory of Sweden. No bribes, nor menaces, nor temptations, could compel or seduce him to adopt that fatal system of the

Destroyer, which was the commencement of our suffering, and is the continuance of our degradation.

Mr. Chairman, how much more solemn and impressive are the considerations which should have found their way to the bosoms of men, elevated to the highest offices in the gift of a free people, by the fair exercise of their elective franchise. The Prince Royal was a stranger, placed to rule over a people to whom he was bound by none of the tender ties of country, yet he set an example of fidelity and attachment to the Swedish cause, to the great cause of humanity, for a parallel to which we may look, but look in vain, into the policy and measures of our rulers. We must turn our eyes to the vassal States of Europe, if we search for examples that have been followed here.

Mr. INGERSOLL spoke as follows:

Mr. Chairman, this appears to be the saturnalia of legislation; when the servants of the people, laying aside the performance of the duties assigned to them, together with all regard to business for the time being, take an annual occasion of entertaining themselves in saying just what each one thinks proper of persons in authority. The state of all the nations with which the United States have any connection, is brought into discussion in a debate on the state of the Union, according to the indefinite views of which so inexhaustible a subject is susceptible. I beg leave, sir, to avail myself of the privilege which I presume I may claim, in common with all others, to present such considerations to notice as have suggested themselves to my mind. Though I may not approve of the custom of unlimited debate, it is not for me to oppose it; and I flatter myself with at least the indulgence of the committee, however I may trespass on their patience.

As it is but turning up the mere surface of our commercial embarrassments to begin with the Berlin and Milan decrees, and the contemporaneous British orders, with which gentlemen preceding me have bounded their inquiries, I shall make no excuse for rather a deeper exploration into the recesses of maritime aggrandizement and national hostility; referable, as they are, to these inherent pronenesses to ambition and control that are at the bottom of all human actions. I beseech the committee, however, not to take alarm at this declaration. Though it is impossible to understand the subject without striking at any rate beyond the dates of our recent foreign annoyances, yet I have no design of wearying their attention with any disquisition at length into this diversified controversy. Even the extraordinary latitude which practice affords to our debates would be insufficient for such an undertaking. I shall, therefore, limit myself to the selection of certain prominent and memorable points of observation, and endeavor to make them answer all the purposes of exhibiting an outline, which every mind will be able to fill up as I proceed.

The position most natural, as well as most

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necessary to begin from, is, that according to the ancient, the uniform, and the legitimate law of nations, to be collected from treaties, from established usages, and from international convenience; according to the law of nature, applied to nations, which constitutes the law of nations—free ships make free goods. From an invasion of this reasonable and settled principle have proceeded most of the difficulties we are now contending with. I am not to be understood as breaking ground with an assertion that this country is bound to maintain in arms against Great Britain the abstract principle that free ships make free goods. Not at all. But I do mean to say that such is the ancient and recognized law of nations, and that, as a power, whose policy is to be generally neutral and always commercial, it is most clearly and emphatically the interest, as it is the right of the United States, to assert and adhere to this great safeguard for the integrity of their flag and foreign trade. I mean to say further, that the origin of our prevailing troubles is to be traced to infractions of this undeniable principle, interpolated by belligerent exigency on neutral immunities; and that the war we are now reluctantly waging, with all the odds of military and naval experience and capacity against us, is a struggle forced upon us by the aggravated consequences of original infringements of this rule. To support this ground, I shall first ask the attention of the committee for a few minutes to some of the principal features of the celebrated Treaty of Utrecht, which was concluded in the year 1713. It is not necessary for me to recall the circumstances under which that great leading international compact was adjusted. All the commercial and principal sovereignties of Europe were parties to it. All the points of maritime controversy then in existence were arranged by it. Its authenticity and authority are of the highest order. Its conditions are explicit beyond contradiction. Its construction of the law of nations is conformable to those bases which the experience, the usage, the reciprocal pretensions, and views of the various nations contributing to it, had laid down as the best foundation for maritime peace and national independence. In a word, sir, it is one of the most remarkable and solemn testimonials on record of the principles of public law and justice. Now, sir, by this important instrument, the point that free ships make free goods is ratified and promulgated in its broadest acceptance. But one century ago neither England nor any other nation of Europe felt a doubt upon the subject. The points of maritime contest, then, were limited to the question of search and blockade, both of which are fixed on conditions, which then were of universal influence. The rule of 1756, as a certain mischievous and wholly unauthorized irregularity has been designated, is of much later birth. As its very title implies, it never appeared until forty years afterwards. The extravagant addenda to contraband, the monstrous presump-

tions of proclamation blockade, the various other enlargements of maritime wrongs which have since found victims and advocates in America, together with impressment, are all of very modern introduction, though commonly defended as parts of the ancient stock of British maritime rights. At the time of the Treaty of Utrecht, sir, England had not the naval ascendancy she now holds by the sole tenure of conquest and usurpation. She did not, at that period, give law to the seas, nor had her statesmen and merchants, her naval commanders and Crown, the motives they now cherish for establishing those naval impositions which are to drive all laws and usages of nations from the credit they have heretofore received, at the same time and by the same means that they usurp their places. Before Great Britain became the first navigating community, the Republic of Holland enjoyed more commerce than all the rest of Europe put together. After reclaiming their territories from the ocean, the inhabitants of Holland, without any other articles of export than a little cheese and crockery ware, spread a greater quantity of canvas on the sea than covered the commerce of all their competitors. But the policy of Holland, unlike that of England, was pacific and conciliatory. The Hollanders relied on their enterprise, their skill, and their credit, rather than their navies, for success; they became the genuine champions and examples of neutrality and justice. The commentators on the law of nations, *Grotius*, *Bynkershoek* and *Hubner*, are to this day what they have always been, the most respectable and authentic witnesses of the original provisions of that law. It is true, that *Grotius*'s well-known treatise contains nothing particularly appropriate to the doctrine of maritime neutrality. But we are given to understand by *Burigny*, his biographer, that he did compose a work, which, though unfortunately lost, expressly asserted the rights of a prior state of neutrality against the subsequent emergencies of a state of war. It is to such sources, to this nation, to these authors, that we are to look, not to Great Britain, for the first great principles of international law.

But I shall not rest on the Treaty of Utrecht alone for the English avowal or acknowledgment of the principle, that free ships make free goods. I need not rest this on the ground of either concession or merely treaty law. It is a position not conceded by England, but asserted by her, and long since the date of that treaty, in the terms not to be disputed. The book, from which I am about to trouble the committee with the reading of some passages, will abundantly sustain this declaration. It is the seventh volume of *Parliamentary Debates*, and so conclusively pertinent to my purpose, that I hope the committee will excuse me for praying their attention to it. It will be recollected that, about the year 1787, Spain insisted on a right to stop, overhaul, and search British vessels, in order to ascertain whether they contained

any articles contravening her interpretation of the Treaty of Seville. The relation then of England to Spain was very much what that of this country has since been to England. During three and twenty years did Spain persist in her seizures and condemnations of the ships of England on arbitrary and unfounded pretexts; and, during all that period, did England contain herself within the pale of unavailing expostulation and disregarded remonstrance. The language, however, of English remonstrance was much stronger than the American. It did not concede, even by implication, the right of search. It did not even tacitly acknowledge that free ships do not make free goods. On the contrary, England, so late as 1787, was first a sturdy beggar, and afterwards as powerful an advocate for British maritime rights as she has since been inexorable and outrageous in the perpetration of maritime wrongs.

But is there no additional cause for our hostilities? Has nothing been superinduced by the war itself, adding to its original inducements most unparalleled aggravation? Mr. Chairman, yes, an atrocity overlooked by our Government, familiarized to the minds of the people; but one, nevertheless, against which every cottage should be hung with mementoes, every parlor tapestried with remonstrances. I allude, sir, to the barbarian subornation by England of our Indian borders, whose savage thirst has been slaked in the blood of our women and children, under the direct encouragement of English agency. I mean to take some notice of this nefarious inhumanity. The Executive Government of this country, which is accused of so much unfounded hostility to Great Britain, has omitted in my humble opinion the most imposing and overwhelming complaints with which a nation ever was rebuked, by their silence on this subject. But I shall not follow the example of the Government; and shall make no apology for presenting this atrocity in its true colors. The British manifesto of the 9th January, 1813, which puts forth their justification in this war, states expressly that Mr. Foster had instruction to repudiate the foul charge of their employment of our Indians. Did he do so? Never. I am aware at least of no solemn protestation from that Minister against this imputation, this indelible, deadly blot on the annals of this nation. But supposing that he had, would that alter the fact? Should that disprove it? There was indeed a period when the drawing-room and the cabinet were hung with specious but most insidious trappings of amity; but even then the trans-Alleghanian wilderness was rustling with the preparation of the savage, licking his chops in ambush, and hankering for the promised repast. There was a time when we examined the powder, and the arms, the muskets, and weapons, that fell into our hands at the battle of the Wabash, in order to ascertain whether the ear-mark of England was upon them. There was a time when, if such signs were declared to exist, ten thousand

voices and pens and prints rose up to contradict the ungenerous aspersion. But that time has passed away. The Englishman and the Indian, like the mastiff and the wolf, since then have always roamed abroad together; the one decorated with the collar and other indications of refinement, but without its heart; the other bounding in native ruthlessness; and kept each other's company scouring our forests, contending for their prey.

Nor is this a new outrage, though never so substantiated as now. In his celebrated speech on the British Treaty, Mr. Ames admits that the unauthorized agents of England might be expected to stir up our Indians, though he denies that the English Government participated in this excitement. But what was General Washington's impression of the Indian war which carried Harmer, and St. Clair, and Wayne, into the field? General Washington, sir, was satisfied that Colonel Beckwith, the formal British agent, who preceded Mr. Hammond's mission to America—that this agent had fomented the fury of the Indians. He directed the Secretary of State to remonstrate with Beckwith concerning it. And what did he offer in his excuse? After some prevarication, he acknowledged his own interference in that way, though he denied that he had acted by Lord Dorchester's authority, and asserted that the step was merely his own. So long ago as 1792, was this iniquity in preparation. Within the last two years, every disguise has been thrown off, and it stands forward before the world in all its horrid incarnation of avowal. Before General Hull's capitulation, the first blow that was struck in the present hostilities came from the Indians deep in the Northwest, against the post of Mackinaw. And what was that unhappy man's extenuation of his surrender? That the savages were swarming for his destruction; pouring down upon his army from the West and the North, and hastening to their annihilation. Where has the battle been fought since, in which the English have not owed their success, wherever they have had it, to their Indian allies? Where has a British regiment or a British soldier met an American fairly face to face, and staked the issue on the valor of Britons and Americans alone? In every instance the terror of the tomahawk has been their strongest, their only protection, their buckler and their sword. At Detroit, at Raisin, at Queenstown, everywhere their allies have been their saviours. Not a single general order has appeared from Prevost, from Brock, from Proctor, or from Vincent, in which these wretches have not been officially thanked for their material assistance. The British armies have traversed Canada with hordes of Indians for their wings, like ravens, like vultures of the desert, whose ominous flight portends death, and who banquet on the victims of their massacre. And is this lawful, or accustomed warfare? Will self-defence justify, should invasion provoke, or will any thing atone for this? Is

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it lawful to poison your wells or arrows, though your territory be overrun by an enemy? No, sir, no. Nothing can excuse or extenuate such barbarities. Nor is excuse or extenuation sought for. They are referred to the detestable expediency of Lord Suffolk in 1777, whose rebuke by Lord Chatham we all remember, for his impious declaration, that England had a right to employ the Indians against the Americans, as means (to use his own infernal language) which God and nature placed at their command.

Such being the causes of this war, let us next inquire, what are the events that have succeeded its declaration, which should drive us to abandon it? It has been disastrous, say its antagonists. It has so. I must confess it has had to struggle with unexpected difficulties, and unaccountable reverses. But is it therefore we should give it up? Remember the price paid for the privilege of declaring it. Call to mind the members of that illustrious Congress, who during the Revolution were often obliged to fly, like conspirators, by night, from their beds, to places of safety. From Philadelphia to Baltimore, to Lancaster, to York, to Trenton. Did they yield to the current of disaster? If they had, sir, our independence never would have been achieved. The years of the Revolution dragged on in delay, defeat, trial, and difficulty. With all its glorious circumstances, what was the battle of Bunker Hill? An overthrow. The invasion of Canada under Montgomery and Arnold; the affairs on Long Island; the capture of Fort Washington; the rout at Brandywine; the defeat at Germantown; the partial success at Monmouth; the predatory and wasting excursions into Connecticut and Virginia; the contest in the South, of which we have lately so well drawn a picture by one of the principal performers on that theatre: what was it but a succession of total failures or transient triumphs? The man whose memory is now the resting place of a nation's benefactions, for whose particular association the two parties of this country contend like the Greek cities for the birthplace of Homer, was then, almost as much as your present Generals, the object of American contempt and malediction. His army was wasting in sickness and inactivity; his fortresses were taken from him; his plans were frustrated; his troops were beaten. Yes, Mr. Chairman, there are venerable men of the delegation here, of which I am an unworthy member, who recollect these things; who have told me that in 1776 not a town, nor a village, nor a passenger on the road between Philadelphia and New York, but was full of complaints against Washington himself, clamorous with dependency of the cause he was engaged in. Let us imitate the example of his constancy, not their despair. Let us never forget for a moment that the character of our population, the structure of our Government, our experience in war, our long repose in peace, do not justify the expectation of never-failing victory over a nation inured to arms and vast in capa-

city of annoyance. Like our forefathers of the Revolution let us make the least of defeat, and the most of success. Like them let us nerve our councils to bear the reverses of our arms, and like them we shall finally be triumphant.

But this wanton and disastrous war is also partial in its pressure. What an objection to come from Massachusetts to Virginia! What an objection, while any of the patriots of the Revolution survive! I mention it but to say that if Virginia had made such an objection to Massachusetts in 1775, we should not now have been an independent nation. It is, however, unfounded in fact. The pressure is felt more severely in Virginia, Maryland, North Carolina, and Louisiana, than in any section whatever of the Eastern States.

The war is moreover unpopular! In spite of the majorities in this House, the majorities of suffrages all over the country, the people are opposed to the war! Majority, then, is not an evidence of popularity. No. It proves only the coherence of party. If this war were popular it would be successful in Canada! If so, Pompey's was the unpopular side, when he fought at Pharsalia with all the hopes of Roman republicanism under his standard, against Cæsar and his invading regulars from Gaul. Caractacus was unpopular when he fell before the legions of Claudius Cæsar. The ravage of the Palatinate by Louis XIV. is ascribable to his popularity there. In short, all England's efforts during the last twenty years have been unpopular while sustained in self-defence; all Bonaparte's foreign conquests completely unpopular; nor has the war become popular with the French nation until brought home to their frontiers and breaking in upon their firesides! The idea is preposterous.

The allusion I have just made to the altered state of Europe within the last few months, will justify me, I hope, in asking the committee's attention for a very few minutes to that subject. It abounds with interest, with instruction, with advantage to us. Russia, the power with whom we have never had a difference, whose maritime views and interests are precisely our own, has finally proved victorious over France. Sweden, another Northern power, another advocate for the freedom of the seas, whose Crown Prince, like his great competitor on the French throne, is legitimated by talents beyond the divinest rights of kings, Sweden partakes with Russia of all her victories. Austria is to become a navigating nation by means of the ports she is to acquire on the Adriatic. Spain revives to greatness, without her colonies, or Inquisition; and in estimating the benefits of these emancipations, it is difficult to say which is the most to be desired, that from her colonies or that from her Inquisition. Italy is to be restored, probably without a Pope, in whose destitution she will be liberated from an odious combination of Christianity with temporal intrigue. Holland resumes the trade and the naval prowess which so long contested the balance with England; that

trade which was freighted from every latitude; that navy which was the last to oppose itself successfully against the fleets of England: I refer to the battle of the Dogger Bank in 1787, when the Dutch Admiral Kingsberry defeated Admiral Parker. France, within the limits of the Rhine, the Pyrenees, and the Alps, remains great, without continuing to be too much so. In all these amazing restorations, there is, however, one country on the continent whose omission I shall be pardoned for adverting to, to explore it. I mean Poland—a country which afforded us many gallant auxiliaries in the war of our Revolution; a country which, though its modern history is not much known in America, is more fertile of noble examples of the most heroic patriotism, and more instructive in great lessons of Republican integrity, than any other that exists. Within the last sixty years Poland, the only surviving Republic in the world except our own, has evinced, in innumerable illustrious instances, more of that immortal spirit which mankind admire in Greece and Rome, than the transactions of any other modern nation can afford. Barbarously subdued and mutilated as this remnant of the stock of European Republicanism has been by the despots surrounding them, I must confess, that there was something grateful even in the promise held out to them by the French Emperor, that their independence should be one of the fruits of his success. In the tempest of this man's career, such corruscations shed a splendor on the general gloom. In the abject state of Poland, even the promise of freedom is a beam of hope. I do not say that this promise would ever have been redeemed. But I know of no spectacle in our age more august, more imposing than the Polish Diet which sat on the 1st July, 1812, under the old Count Ostartozinski, as the French were advancing into Russia, when the prospect of liberty was once more lighted up before the Poles. If Spain and Holland have our commiseration, so should Poland. If Spain and Holland are restored to themselves, so should Poland be restored. I know of no sympathy for the one to which the other is not at least equally entitled.

Thus, Mr. Chairman, may a balance of power be really established in Europe. The iron crown of Lombardy has been melted in the flames of Moscow. The most terrific ornaments in the French imperial diadem have been plucked away and scattered aside at the battles of Borodino and of Leipsic. Mankind find their security at last in the infatuation of those who rule them. The restlessness of ambition betrays and overturns it. But shall we not flatter ourselves that the limits of naval usurpation are soon to be marked, as well as those of the subjugation of the land? May we not hail the fall of universal France as the precursor to the fall of universal England? The moment is auspicious to such a consummation. The indications are abundant of its approach. *Proximus Ualegon*: Great Britain goes next. In vain will the French be confined within their natural bounds,

the Rhine, the Pyrenees, and the Alps, unless the English are limited to some retrenchment of their formidable maritime dominion. There can be no true balance of power when England wields the undisputed, the only sceptre of the seas. Europe feels this conviction, sir, and no doubt the same ardent and concerted resistance which has triumphed over despotism on the Continent will turn its efforts next against despotism on the ocean. The floating pediment of England's naval footstool is already troubled under her. Like France she is hastening her fate by her own encroachments. Like France she will find it on the soil of Spain. It is impossible that England can maintain at one and the same time the first navies and first armies in the world. Lord Wellington's splendid career is rapidly undermining the best springs of British naval enterprise. The army of England will prove itself the conqueror of the navy. The invasion of Spain checked the career of French conquests. The battles of her own cause which England has fought in Spain, against the invasion of France, have sapped, I trust, the foundation of her naval ascendancy. Let us hope the trophies of Napoleon and Nelson may be interred together in the Spanish soil. What the army of England has begun, the navy of America shall complete. The little streams that have issued from the rock of American maritime spirit, shall swell till they turn the sanguinary and sordid tides of British naval glory. The world has witnessed the meeting of these waters; one a flood of avarice, piracy, and blood; the other a current of enterprise, integrity, and fortune: the world has seen them meet, and has pronounced upon the consequences. Let us hope, sir, that from all the astonishing visitations of the two last years a general and permanent peace will result. I am not of those American politicians who pray for war in Europe as the field of commerce for America. I am satisfied, on the contrary, that a general European peace will be infinitely beneficial to American foreign trade. The carrying States, those who have ships without cargoes, timberheads without freights, may perhaps suffer; though I doubt even their suffering. But the exporting, the agricultural States, those who can afford superfluities of breadstuffs, of rice, of cotton, of wool, of hemp, of all the indefinite products of their various territories, will be large gainers by perpetual peace. Peace is the element of their prosperity, war of their decline.

WEDNESDAY, February 16.

The Loan Bill.

The House then went into Committee of the Whole on the bill authorizing a loan for the year 1814.

Mr. MONTGOMERY, of Kentucky, resumed the floor, and concluded, in about half an hour, the remarks he yesterday commenced in support of the bill. His remarks are given entire, as follows:

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Mr. Chairman: The bill under consideration proposes to authorize a loan to defray the expenses of the war, in the present year; it is as yet blank; but from the report of the Committee of Ways and Means it appears that the sum of twenty-five millions will be necessary to be raised in this way; and the blank is proposed to be filled with that sum. The question which naturally presents itself is, whether it is expedient thus to fill the blank and report the bill? This question would, at the first view, seem to limit the discussion to a narrow compass; but it has been decided, and seems to be understood, that it is in order on this bill, to take a full view of our political transactions and condition in all their various relations.

I do not propose to enter into so wide a range of discussion as some others who have preceded me; but I have thought it might not be amiss to indulge in some remarks on the question whether we had just cause of war against Great Britain.

Sir, it appears to me that this nation has just cause of war, upon two grounds: 1st. For reparation of her captures and condemnations under her Orders in Council. 2d. For the impressment of seamen on board our merchant vessels. Perhaps it would be more correct to say, two distinct causes of war.

With respect to the first, I will say but little. It does seem to me quite clear, that if her Orders in Council were not authorized by those principles of reason and justice which civilized nations profess to be governed by, under the name of national law, that she is bound to compensate our citizens for all losses sustained under the operation of those orders. I do not hesitate to say, sir, that those orders cannot be justified by any principle of national law; and her rescinding of them amounts to something like an acknowledgment to that effect. I will not now dwell on this point.

I will now proceed to consider the question of the right of the British to impress her seamen on board our merchantmen, with a view to show that she possesses no such right, and that the practice affords to this nation just cause of war.

The fact of impressment is admitted on all hands; and, indeed, it is admitted that many, very many, of our own native born and naturalized sailors, have been impressed under color of impressing British sailors; the injury to our merchants is evident, and in many instances, great. The fact and the injury being clear, it seems unquestionably to devolve upon those who justify Great Britain, to show upon what principle of national law she is justified. Those who oppose her pretensions, might well rest upon the fact and the injury. But I will not stop here; I will endeavor to show that the practice is wholly illegal as well in relation to the law of England as the law of nations.

By the great charter of English liberty, it is provided, that no freeman shall be imprisoned, but by the judgment of his peers, or the law

of the land. This may be considered as a fundamental principle of the Government, and not to be altered but by the Parliament. A plain legal deduction from this principle is, that so long as it remains in force, every impressment, by mere Executive authority, is a trespass and false imprisonment. I would not be understood to contend, that it is the duty or right of this nation to intermeddle with the municipal laws of England, so long as they are confined in their operation to English soil or English ships; let them impress within their own soil, and on board their own vessels, to any extent which the King and the naval officers may deem proper; it is an affair between the King and those impressed, with which we have no concern; but when they choose to make our merchant vessels, on the high seas, the theatres of Executive trespasses and violence, the case is changed; when the contracts which their sailors have made with our merchants are, by force, violated, and our vessels deprived of the competent number of hands, and left to drift to and fro on the wide ocean, it becomes us to inquire by what authority this is done. But, perhaps it may be thought our merchants err in employing British sailors. To this I answer, that British laws permit her sailors to go abroad; they can enter into contracts with their merchants for a term of service, which may expire in a foreign country; our traders and navigators may innocently hire them, and when they have thus hired them and made the success of a voyage, ship, cargo, and profit, dependent upon their services, it does appear to me to be most flagrantly oppressive and unjust, on the part of the British Executive, to interpose and forcibly wrest, from on board our vessels thus circumstanced, even British sailors. I know it may be said, that the practice of impressment is part of the law of England, and long usage on the part of the Executive branch of the Government, and some adjudged cases may be adduced, to give some countenance to the doctrine; but I rest upon the great charter, and I apprehend no Englishman would feel willing to admit that its provisions could be changed by the King or the courts of justice. The practice of impressment, then, I conclude is not warranted by the law of England; it is a trespass and false impressment in relation to the English sailor, and when committed on board an American ship, a most wanton outrage, involving consequences which it behooves this nation to guard against.

Is the practice of impressing, a belligerent right, upon the principles of international law? I answer that it is not. According to Vattel, the right of seizing for carrying goods contraband of war; the right of seizing for being about to enter a port actually blockaded by a competent force; and the right of searching for and seizing enemies' goods, constitute the sum total of belligerent rights, in opposition to the freedom of the high seas to neutrals. These are so many exceptions to the great principle of the freedom of navigating the high seas, and

all that have been acknowledged by the nations of Europe.

But, sir, it is not only contended here that the British Government have a right to impress sailors who have made temporary engagements with our merchants; but that they have even a right to impress those who have been naturalized according to our constitution and laws upon the subject of naturalization. This position is founded upon the British common law doctrine of perpetual allegiance, and the vague plea of its being necessary on the part of Britain to preserve her national existence. I will here take the liberty of answering those arguments. In the first place, the doctrine of perpetual allegiance is a mere municipal law, not binding on the Government of any other country; and I believe I cannot be corrected when I say it is not the law of any nation except Great Britain and France; and still less am I in fear of being corrected, when I say it is not a principle of national law. The contrary is laid down in Vattel, in Puffendorf, and in Burlamaqui, and various other writers on the subject of international law.

This doctrine of perpetual allegiance is moreover not warranted by reason or propriety. It is said to attach at the time of birth, and to depend upon it. What is there in the birth of man which can bind him by the tie of perpetual allegiance to the Government of the place where he is born? To my mind, it appears to be a mere accidental circumstance, in which the will of the individual is not concerned, and which of itself can be the basis of no obligation. Feeding, clothing, &c., certainly forms a strong basis for parental gratitude, and lays the child under obligation to make a suitable return to the parent in the same way, if necessary; but this seems to me to be an affair between the parent and child. What is done by the Government for the individual in his childhood, to lay him under such a perpetual obligation? I can conceive of no act. It is true the Government abstains from taking his life when the physical power of so doing was in it; but I cannot conceive that this can be any rational foundation for the obligation of allegiance; as well might I tell you, sir, that you were under a perpetual obligation of gratitude to me, because, having the power of assassinating you, I had failed to do it.

I will now come to the question presenting itself more directly by the bill under consideration. This bill proposes to authorize a loan, the object of which is to procure money to defray the expenses of the war. We have passed sundry bills with a view to the prosecution of the war, which are all dependent, as to their efficacy, upon this; all of which will be entirely lifeless without this. This is necessary to add sinews and give motion to the whole machinery. Is it not expedient to pass it? I hold that it is. In reflecting upon this subject, I have concluded in my mind, that it is always expedient, when a nation is engaged in a state

of war with a strong power—with a power capable of taking advantage of its errors and endangering its rights—to prepare amply and prosecute the war vigorously, without reference to the original cause of the war. I would pursue this course, sir, because I would be unwilling to put to hazard any of the unquestionable rights of the nation, by a feeble and inefficient course of warfare; because, sir, I would rather the nation to which I belong would have it in its power to dictate the terms of pacification than to be dictated to. I am not willing to admit, that as an individual, there are not many acts of injustice which I would rather suffer than do; in which I would rather be acted upon, than be the actor; but, sir, I will frankly declare, that I would rather take upon myself the proper dividend of almost any act of injustice to a foreign nation, than my portion of the disgrace that might be consequent upon a war feebly and inefficiently prosecuted. The nation against which we are making war is a strong nation; of this we have ample evidence; very recently by her prowess, and through the means of her financial resources, the gigantic power of Bonaparte has been broken and dissipated in Spain and Portugal; she has been the very soul, the animating principle, and given sinews to that formidable league on continental Europe, which has defeated and driven the Emperor of France within the limits of his own empire. Have we then nothing to fear from her enterprises upon the supposition of remissness or negligence on our part? I apprehend we have. We present to her enterprises a frontier of about four thousand miles, vulnerable to her and her red allies at many points; already has she seized and held for more than a year one of our territories; it is still vulnerable; one of our States is feeble in population, and in a manner severed from the rest of the nation. If we are remiss, will she not have it in her power to seize upon some weak point and hold it, demanding as the price of restitution some commercial sacrifice not before brought into view? She may tell you, we will not yield this advantage without an equivalent; this equivalent may be some restriction on your commerce; or it may be the entire use of the lakes, with barrier towns on this side to secure that object, or both. Have we any pledge that our enemy will not have the disposition to make the most of any successes consequent upon our negligence? The history of her usurpations, exactions, and bloodshed in India, will answer the question; and the affair of Copenhagen will guarantee that answer.

Sir, the history of all nations and ages will admonish us against remissness or negligence in the conduct of a war. I will cite one or two examples. The history of the origin, progress, and termination of the second Punic war, between Carthage and Rome, exhibits to us an awful warning against any the least remissness. The ostensible origin of that war was the territorial limits of the two nations in Spain. Rome

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admonished the Carthagenians against crossing the river Iberus, and against molesting the people of Saguntum, her ally; she was probably right in so doing; she claimed not any thing of Carthage in Africa. The Carthagenians regarded not her admonition; a large, well-disciplined army under Hannibal, the general of Carthage, the greatest warrior of the age, commenced its march for the invasion and subjugation of Rome; this army crossed the Pyrenees, traversed the length of Gaul, crossed over the Alps, and fell down upon Italy; several great battles were fought, in which the arms of Carthage prevailed; and by the great victory of the Carthagenians at Cannæ, the power of Rome seemed to be almost annihilated; it seemed to be limited to the walls of the city. Here was an important crisis in this war; immediately after this victory the Republic of Carthage ought to have amply and promptly supplied their general with fresh troops and money. Carthage was remiss; the consequence was, that the power of Rome revived; and finally, the fate of Carthage was settled on the plains of Zama. She was compelled to sue for peace; she lost her possessions in Spain; she yielded Rome tribute, and was ignominiously restricted in her navy and commerce. Now, sir, although I do not indulge a fear that it will be as bad with us as with Carthage, yet I cannot but fear, that through negligence, we may lose much; that we may be compelled to submit to terms disgraceful in themselves; and as I would, as a Carthaginian, have regretted the lack of the means which, in all probability, would have led to the subjugation of Rome, in preference to the losses and degradation of my own country, without reference to the cause of the war; so, as an American, I would regret that we should sustain any losses, or be compelled to submit to degrading terms; and I would the more regret it, if it should seem to be the consequence of negligence. I would prefer that we could dictate the terms of peace, rather than be dictated to, without any reference to the cause of the war.

A strong example, sir, to show how unreasonably nations at war will rise in their terms with success, is exhibited in the celebrated war in Europe for the succession to the Spanish throne. In that war, Louis XIV., with the greater part of the Spanish nation, was arrayed on the one side, contending for the right of a Bourbon to the throne; on the other, the Emperor of Austria, the United Provinces of Holland, and England, contending in favor of a descendant from the House of Hapsburg. In the progress of the war, Louis was so hardly pressed that he offered, in order to secure his own dominions, to withdraw his forces from aiding his connection; but so much were the allies elated with their success, that this would not satisfy them; they demanded that he should turn his arms against the competitor of the Bourbon family, his grandson. He refused this, and the result was such as it ought to have been. I am

decidedly of opinion, that it is expedient to authorize the loan. The honor, interest, and safety of this nation, I believe, require it.

There has been much said on the subject of parties in a Republic; we have been eloquently admonished against the evil effects of party spirit in a minority. Sir, my opinion is, that the exertions of a minority may be productive of evil consequences, when steadily pursued as an embodied party; such exertions may encourage a foreign enemy to persevere in a course of hostile policy, and may have the effect of driving the majority into a crooked, wavering, and feeble course of policy. But whilst I admit the dangers and evils to be apprehended on the one side, I will not be forgetful that there are dangers on the other. Fearless, then, of the frowns of any party, I declare to you that I believe, that whenever the liberties of this nation are destroyed, it will be done by a majority. Party spirit seems to me to be growing apace in this country; and the arts of obtaining and perpetuating party power are fast developing themselves; to what consequences they will lead, I cannot say with certainty. But really, sir, I cannot but indulge in fears that I will live to see the day when every thing of rational liberty will be annihilated by some majority; when all the honors and emoluments of the nation will be disposed of, at the whim and caprice of three, four, or five of the leaders of the majority: and all these things will be managed with the forms and in the name of liberty, under the warmest professions of attachment to the public weal. I cannot fix upon any precise time for the happening of this event; but I believe I can give you many of the signs; and when all the signs are seen by men of discernment, they will verily know that the event has come to pass. When this event happens, there will be dispersed through this nation a host of hireling editors of newspapers, busily engaged in puffing their employers, and moulding and fashioning public sentiment by deception to suit their views. When this event happens, this country will swarm with little demagogues, whose appropriate business will be to sound the praise of their leaders, and misguide public sentiment; playing, at the same time, the part of sycophants to their leaders, and the deceivers of the people; looking for their reward, and willing to be sent here and wire-worked by the great political jugglers in the way which may best suit their purposes. In those days, every sentiment deemed important by the leaders will be made a test, an article of political orthodoxy, and all who will not assent will be considered as heretics: it will not be enough that a man is attached to the constitution of his country, and that he has acquired a character for integrity and good sense—he must praise his leaders—his sentiments must be in perfect accordance upon all points. Then will be heard denunciations against all who have not precisely pursued the course marked out; made for the purpose of whipping in the timid

and crushing the firm. When this crisis arrives, this hall, which ought through all time be the great watch-tower of liberty—from which the language of the patriot might be heard in the voice of warning; and from which the rays of political truth might be shed abroad by open, fair, and manly discussion, will on favorite occasions be silent as death: by the use of the previous question, and upon the ready plea of the necessity of despatching business, discussion will be silenced; and this hall present to the eye a college of silent recorders. Then will the rights of all who have independence of mind to disapprove of the course of a party, however much it may merit it, consist of obedience to their will.

Whatever others may think, my judgment and feelings conspire and embolden me to say, that a majority may err. It was corrupt majorities, if my memory serves me correctly, that, by their intrigues with Philip of Macedon, paved the way for his subjugation of the Grecian Republics. The triumvirate of Cæsar, Pompey, and Crassus, wielded a majority of the Roman Senate. Cromwell had his majority in the English Parliament—yes, sir, he had his entire Parliament. Robespierre had his majority in the French National Convention. Even Nero observed the forms of the Roman Republic, and had his majority in the Senate of Rome.

Mr. PEARSON addressed the Chair as follows:

Mr. Chairman: The extent and variety of this discussion may, perhaps, tend to impair the real importance and intrinsic solemnity of the subject immediately presented to our consideration. It is, however, so intimately connected with the characteristic policy and avowed objects of the Administration, as to render their separation almost impracticable, and may well justify, if not positively demand, some inquiry into that policy and those objects. By the bill on your table, together with the issue of paper called Treasury notes, for five millions of dollars, it is proposed to obtain thirty millions of dollars on the credit of the Government, to be applied exclusively to the military and naval service of the current year; the whole receipts from taxes, and other sources of revenue, not amounting to more than the payment of interest on former loans, the stipulated reimbursement of part of the old debt, and expenses of the civil list. The first question which presents itself is this: Can the Administration borrow, on terms which they ought to accept, the immense sum now proposed? I profess not, sir, any peculiar skill in finance, and but a limited knowledge of the fiscal concerns of this country. I will, therefore, not hazard a positive opinion as to the practicability of obtaining the proposed loan, though I have no hesitation in believing that it will not be obtained with the facility imagined by some gentlemen, and that the practical resources of the country, in its present situation, have been greatly overrated.

Already has the Government borrowed within the last two years near forty millions of dol-

lars, most of which has been obtained from the banks, and from individuals who make the banks the instruments of enabling them to comply with their engagements. The fair and honest ability of the banks to lend does not exist to a much greater extent, unless the stock of the Government is considered a safe fund on which they may issue their own paper to any amount.

If this be the case, it is evident the whole system is a tottering fabric of credit; the Government relying on the credit of the banks, and the banks resting on the credit of the Government. If this confidence does exist, and is likely to continue, I would ask, why not issue Government paper at once, and save the enormous interest now paid to the banks, and run the chances of depreciation, instead of depreciating it ourselves by giving a premium for other paper, which may depreciate equally soon? I mean not to advocate a project of this sort; my object is only to show that the present system is bottomed on credit alone, and therefore may fail.

The present unfortunate situation of the country adds much, in my judgment, to the force of those remarks. If we had a flourishing commerce—if there existed a free, reciprocal intercourse between the several States—if there were a perfect community of interests, and a riveted confidence between the various sections of the country, and especially between the moneyed men and the moneyed institutions in all the States, the prospect would be greatly changed. In those events, credit might be relied on to almost any imaginable extent. But, sir, this unfortunately is not our lot. Blocked up as we are by the enemy's squadron on our coast; corked up by our still more unmerciful Embargo and Non-importation laws, calculated, as it were, to fill up the little chasm of ills which the enemy alone could not inflict; the entire coasting trade destroyed, and even the pittance of intercourse from one port to another in the same State prohibited; the planters of the Southern and Middle States, finding no markets for their products at home, are driven to the alternative of wagoning it hundreds of miles in search of a precarious market in the Northern and Eastern States, or permitting it to rot on their hands. Many of those articles which are, or have become by habit, necessary for their comfort, are procured at the most extravagant prices from other sections of the Union. The balance of trade, if trade it may be called, from these and other causes being so entirely against the Southern and Middle States, the whole of our specie is fast travelling to the north and east; our bank paper is thrown back upon the institutions from which it was issued, and as the war expenditures are proportionably considerable in the Southern and Middle States, where the loans have been principally obtained, the bills of those banks are daily returning, and their vaults drained of their specie, to be locked up in the Western and Eastern States, never to

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return but with the return of peace and commerce. The extraordinary and alarming demands which have lately been made from Boston on the banks of New York, and which I understand are progressing to the South, prove these remarks not to be the mere effect of fancy.

Mr. Chairman, I was not a little surprised to hear an honorable gentleman from South Carolina (Mr. CALHOUN) say, the other day, that competent protection had been afforded to the exposed parts of the country. Sir, the Government has not afforded competent protection; the melancholy scenes which have lately been witnessed on the northern frontier, prove, that whilst your armies were recovering from their late disasters, and securing themselves on the borders of Canada, threatening another assault in the spring, the frontier of New York, to the extent of fifty miles, was laid waste by a handful of the enemy's troops, and the innocent inhabitants delivered over to captivity or slaughter. Let the gentleman inquire of Virginia and North Carolina what protection they have had from the General Government; let him, on his return home, visit the tomb-stones of many brave and respectable citizens of those States, who either fell by the hands of the enemy, or became the untimely victims of exposure to a climate still more ruthless, and this, too, in the performance of that duty which ought to have been assigned to the regular soldier, for the want of that protection from the General Government which every State is entitled to by the express letter of the Constitution.

Early in the last year, representations were made to the General Government of the exposed situation of the coast of North Carolina, and some small aid ardently required; the application was treated with neglect or contempt; the just apprehensions of danger on the part of our citizens were attributed to imaginary fears. Thus unprepared and unprotected, the enemy came—the State was invaded—some of our towns taken possession of; what depredations were actually committed I know not—what might have been committed, I leave to gentlemen nearer the scene than myself to inform the House. Such was the general alarm, and such the real danger, that the militia, nearly as high as the centre of the State, were called into service to repel this invasion; unarmed, unaccoutred, and unprovided as they were, they flocked, as they always will do, to the standard of defence; many of those worthy men were kept in service during the unhealthy months of autumn, exposed to a climate to them unnatural and more terrible than the enemy; many of them found in the swamps of Carolina untimely graves.

At this very period, too, there were at different rendezvous in the State several hundred regular soldiers, lolling in their tents and fattening on the public spoils; these precious mercenaries were too sacred to be employed in the inglorious service of defending the State; not

a company were ordered to our relief; they were reserved for nobler purposes; they were destined for the glories and rewards of conquest, whilst the breasts of our respectable citizens were made the medium for the bayonet of the enemy, in defence of our families and our homes. If this is what the gentleman calls protection, I pray to be delivered from it. The same gentleman has also reminded us of our apprehensions and predictions in relation to our exposed towns and seacoast. I will only remark, that those predictions have, to a considerable extent, unfortunately been realized; and that they have not been fully so, is not owing to any efficient protection from the General Government. That gentleman ought to be the last to talk of prophecies; he, if I mistake not, once turned prophet, and told this people, as an inducement to embark them into this war, that Canada would be conquered in six weeks; this entitles the gentleman to a distinguished place among the false prophets.

In reviewing the leading policy of the Administration for the last six or seven years, the mind is struck with the peculiar tendency (whatever may have been the motives) of that policy to a direct and unequivocal co-operation with the avowed objects of France. What has been the great and primary object of France? The destruction of England. Despairing of effecting his purpose by invasion, or the chances of ordinary combat, the tyrant of France conceived the gigantic project of accomplishing the destruction of Great Britain by a total interdiction of her commerce with all other nations. All the great powers on the Continent of Europe were either compelled or seduced into a co-operation with this great continental system, which, in the language of Bonaparte, in order to be effectual must be complete. The history of the various decrees and regulations by which this system was to bind up the commerce of the world, and the practical conformity of this Government by its embargoes, non-intercourse, non-importations, &c., has been so fully and clearly stated by an honorable gentleman from Massachusetts (Mr. BIGELOW) as to forbid even an attempt at repetition. The honorable gentleman, however, seemed to think, that while France demanded and enforced compliance from the nations on the Continent, in the most public, official, and dictatorial style, there was no official document to prove that a similar demand was made on the Government of the United States.

It is true, sir, the public have not been peculiarly favored with official knowledge of our relations with France, and as Congress only gets such scraps and extracts as the Executive deems fit to communicate, and some of them most secret and confidential, it is not a matter of surprise that such a record as the gentleman speaks of should not be found on our tables in *hac verba*; but, sir, we are not without evidence, and that, too, of the most public and positive character, given by Bonaparte and his

Ministers on this very point. Turn to the Berlin decrees of 1806, and the Milan decree of 1807; there you will find all nations, without exception, required to conform to the maritime code of France, and denunciations, threatening the enraged vengeance of France to alight on those who refuse or neglect to comply. When the American Minister at Paris humbly asked whether the treaty which then existed between this country and France was thus to be violated, by including America in the scope of those decrees, the answer was at first a little equivocal, but soon became certain by the capture and condemnation of our vessels, and the explicit declaration of Champagny, "that the law was general and admitted of no exceptions." What demand could have been more public than those decrees; what more explicit than their practical operations on our commerce, and what more official than the written declaration of the Minister of Foreign Affairs? I ask gentlemen, what better testimony could we have given of prompt and ready acquiescence than by our embargo of December, 1807; the recommendation of which was the immediate consequence of despatches from France, and not a knowledge of the Orders in Council of Great Britain? This self-destroying measure met the smiles and approbation of Bonaparte; he pronounced it a magnanimous resistance to the maritime tyranny of Great Britain. While this measure was continued and enforced with vigor, it was applauded by the great author of the continental system. Whenever the sufferings and clamors of our own oppressed citizens caused a temporary relaxation, we were denounced and punished for disobedience. I will not tax you, sir, with the disgusting recital of the multiplied and uniform declarations of the Emperor of France, and the language of all his State papers, showing the character of his continental system, and proving the estimate placed by him on our compliance. Those decrees are declared to be the fundamental law of his Empire; the flag is to be considered an extension of territory, and the nation which suffers it to be violated, forfeits its neutrality. In March, 1811, (previous to a knowledge of our unfortunate non-intercourse law of that month,) the Emperor, in an address to his Council of Commerce, thus expresses himself: "The fate of American commerce will soon be decided. I will favor it if the United States conform themselves to these decrees. In a contrary case, their vessels will be driven from my Empire. The commercial relations with England must cease." Thus, sir, we are not left to conjecture to know what was the judgment of Bonaparte on those who refused to give full effect to his continental system. In what light he considered our restrictive system, and particularly the law of March, 1811, may be collected from the following extract from the *Mercure de France*, a Parisian journal of high authority, published in April, 1811; after speaking of the measures adopted against

England by the *European* allies of France—"the Americans (says this journal) on their part, are establishing in the New World another continental system, which draws still closer the blockade to which England has subjected herself by menacing France," &c. The French Gazettes all hold a similar language, and take it for granted that we have become members of the *Imperial League*. These opinions emanate from the Emperor himself.

If further evidence of the demands of Bonaparte on this country to conform to his system, were necessary to prove that nothing short of unconditional compliance, or war with England, would appease him, I would refer to the correspondence of Mr. Barlow, our late Minister to France. When this gentleman submitted his project for negotiation, and placed, as he says, our relations in a point of view both novel and impressive, the Emperor did not know how he could reconcile the provisions to the principles of his great continental system. But, sir, in the absence of all other testimony on this subject, I have a document before me, the authenticity and official character of which is now no longer to be denied or questioned, which proves the most unequivocal and formal demand on our Government to accede to the maritime confederation. I allude to the celebrated letter of General Turreau, late Minister of France, to Robert Smith, Esq., late Secretary of State, dated June 14, 1809. Among the least of the abominations contained in this letter is the following paragraph:

"I have thought it was not incompatible with my duty to submit to the wisdom of your Government, the new chances which the changes brought about in Europe offer to the commercial interests of the United States, and the inconveniences which may result from their refusal to accede formally to the principles of the maritime confederation."

That we have been formally and officially required to conform to the views and policy of France, I think I have fully established; how far we have yielded to those and that policy by our restrictive systems, and how far embraced them by our war, I leave to history to decide, and the impartial world to judge.

Mr. Chairman: It is time we should pause; it is time we should seriously reflect, whether any, and what essential, practical, attainable good is to result from the prosecution of this war; the great object for which it was declared—the Orders in Council—has now ceased to exist. The question of impressment alone remains; this question I do believe can be so arranged as to exempt our native seamen from abuse, and to give to Great Britain reasonable security against the employment of her seamen on board our public and private vessels. The right asserted by Great Britain to impress her subjects from on board our merchant vessels may remain undecided. The abuses of which we complain have arisen in a great degree from the troubled state of the European world, and the peculiar inducements which our merchant

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service held out for the employment of foreign seamen, and not solely from the assertion of an abstract principle—a principle which, I may be permitted to say, is recognized and practised on by France and every maritime nation of Europe. But, sir, if the right is denied; if the claim, set up by Great Britain, to impress her own subjects, is totally unfounded, have we the power of compelling her to abandon it? Is there a gentleman in this House; is there an intelligent man in the nation, who does, or can believe, that the abandonment of this right is to be extorted by the war in which we are engaged? I believe not, sir.

THURSDAY, February 17.

The Loan Bill.

The House again went into Committee of the Whole on the Loan Bill.

Mr. JACKSON spoke as follows: Mr. Chairman, it seems agreed on all sides that this shall be a continuation of the debate on the Army bills—that the discussion shall be conducted upon the scale then assumed; in that vast extent the investigation will be legitimate.

Although it be true that the province of the majority is to act, and of the minority to speak, it is sometimes equally so that the majority should give the reasons for their measures, and above all, they should place in a just view the specious and fallacious ones of their opponents. This nation is progressing in intellectual acquirements as rapidly as its unprecedented increase of numbers and the development of its vast internal resources; and it is due to ourselves, to the politician of to-day who was not on the stage yesterday, and to the advancement of truth, to venture occasionally upon a larger view of our affairs than would be strictly admissible, if the argument were to be solely intended for this House, and did not find its way to the nation. These considerations have guided me in the investigation I have made, and which I shall claim the indulgence of the House in communicating upon the present occasion.

The minority urge upon this bill—contemplating a provision of the ways and means for carrying on the war—the same objections relied on by them when the Army bills were before us. These objections may be resolved under three heads—

- 1st. The justice of the war in its origin.
- 2d. The justice of its continuance.
- 3d. The mode of waging it.

First—It is unjust, say they, in its origin, because there was no real cause of war; and the pretences for it might have been avoided if the treaty of 1806 had been accepted.

In discussing this point I shall purposely pass over many, very many, minor injuries inflicted by the lawless violence of Great Britain—which, though constituting cause of war, according to the best-established opinions of intelligent jurists, this nation devoted to peace, and anxious to avoid all collisions whatever,

has not made the ground of the war, or a condition of its termination.

In 1806, in consequence of the piratical seizure of many merchant vessels engaged in the colonial trade, the Government were called upon by the united mercantile interest of this country to put on the armor and assume the attitude of resistance. These merchants in their memorable memorials, &c., announced the seizure of their vessels by Great Britain as lawless and piratical; they showed incontestably that the trade had been carried on in express conformity with the rules prescribed by the British Admiralty, and the decision of Sir William Scott, the Judge of their highest Court, having maritime jurisdiction; in fine, that, by these fraudulent deceptions, they were decoyed upon the ocean to the prosecution of a trade lawful according to the settled principles of national law, and lawful according to the decisions of the British Government; and were awakened from their delusion, which reposed on the honor and faith of that nation, by a fraudulent concealed order, under which their vessels and cargoes were seized simultaneously in the four quarters of the world, and ruin and beggary entailed on thousands.

This detestable outrage remains to this day unatoned for and unredressed.

Prompted by the value of the spoils seized on that occasion, this grievous outrage was but the inconsiderable precursor of others more grievous. Our vessels trading from one port belonging to an enemy of Great Britain to another port of the same, or another enemy—and at that time she was at war with all the maritime nations of Europe—was held to be good prize, and the notice of this new principle was conveyed through the seizure of the vessels thus employed. Orders of blockade were issued in defiance of the rule laid down by themselves. And the rapid succession of injuries treading on the heels of each other did not permit the mind to dwell upon either, before it was excited afresh by more transcendent injuries.

The Americans deriving their right to navigate the ocean from the recognition of their character as an independent people, and the munificence of a beneficent God who made the sea free to all, were required by Great Britain, who had usurped dominion over it, to carry their cargoes to a British port, land them there, and pay a tribute for a license to carry them to their place of destination. And on discovering the national indignation which this measure excited, we were told, in language of superadded indignity, that they had gratuitously commuted the tribute for a prohibition of the trade altogether.

In the subsequent modifications which Great Britain adopted of her piratical orders, we were told that we might trade to the nations with whom she was at war, provided we compelled them to receive the manufactures and products which they had prohibited—a pretension which, however much it might have suited the inter-

ests of our merchants to see those nations accede to, we had no right whatever to contend for—a pretension, too, which is at war with the laws of the British themselves, who prohibit almost all descriptions of manufactured articles in time of peace as well as in war, and which the policy of this country in fostering our own manufactories strongly inclines us to imitate. To illustrate the injustice of the claim, let us recur to our laws which prohibit the importation of slaves; and suppose a foreign nation were to demand the privilege of sending slaves hither, would we, could we, listen to it for a moment?

It was admitted by the British, and those in this country who contend for their claims, that these measures would be unjust in the abstract, but were just in retaliation for injuries inflicted on us by France. In vain was it answered, that retaliation to be lawful must fall upon the head of the aggressor, and not on us, who were a third and innocent party; and although there might be some pretext for such retaliation, if we had submitted to injuries which were prejudicial to Great Britain, and thereby exposed ourselves to the imputation of conniving at the conduct of her enemy, we showed that they had resorted to it before a knowledge by us of the injury retaliated for; and that the United States possessed the spirit and determination to maintain their rights against lawless invasion from every quarter, and would do so if the British would permit them, either by doing justice, or cease the practice of doing injustice towards us. We gave them to understand that war itself would be resorted to, and had only been delayed from the consideration that we were unable to contend at the same time with two of the most powerful nations on the globe, but would not shrink from a contest with one of them, if the other would withdraw her hostile edicts. But this argument and these assurances were disregarded; the enemy had taken his attitude; it was war on his part, peace on ours; he had not declared war, but was in the daily habit of committing acts of hostility, while his language breathed peace and good will toward us. Yet, in defiance of all this fairness and pacific remonstrance, we were told here, and the sentiment was echoed back by the British Government, that the conduct of this nation proceeded from partiality to France, and unjust hostility to Great Britain; that to these alone all our embarrassments owed their origin. When the intelligent men of the two countries called for the proofs, they found nothing but idle clamors and bold assertions. The charge in the famous protest of the minority after the declaration of war, and the reiteration of it by the Prince Regent, were substituted for proof; and when a specification was demanded, the arrangement with France, touching a repeal of the decrees of Berlin and Milan, was pointed to as affording it. On this ground, or any other, we were always willing to meet our opponents, and on

this, as often as they were met, they had been already vanquished. They urged that the President had taken the promise of the French Government for the fact of repeal, and on it had founded his proclamation; that the French had broken the promise, and fraudulently precipitated us into war. To this we answered: if it were a new case, without precedent to support it, the confidence due to independent nations demanded a reliance on the declaration; that it was no answer to this position that the confidence might be abused, for without it all the advantages of civilization would be lost to the present generation, and we should be thrown back into the dark ages, and revive the deplorable doctrine, that no faith was due to the engagements of other nations; no reliance to be placed except on the sword of our own.

But our recent history afforded an example which Great Britain and her friends, too, must respect; for it was an example in her favor which elicited the most unqualified approbation of the Executive conduct; and gentlemen were so zealous to testify their pleasure at that time that a formal vote of thanks was proposed and supported by them in this honorable body.

In comparing the two cases, the mind is lost in conjecturing wherefore was the conduct of the President condemned for the latter proclamation, when it was so decisively applauded for the first. And a minute analysis of the facts connected with each but serves to increase the dilemma.

The arrangement with Mr. Erskine for the repeal of the British Orders, it will be recollected, promised their abrogation at a future day. I think it was the 10th of June; not having looked into the documents recently, I am not certain that I am correct as to dates, but this I well recollect, that it was adopted with avidity; in the language of the resolve, with a promptitude and frankness honorable to the President; and on the faith of it, before the day had arrived, the President issued his proclamation, notifying the fact and renewing the trade, then suspended by our non-intercourse act, from and after that day.

The repeal of the French decrees was notified by the French Government to take effect from and after the first of November, and the proclamation of the President in consequence thereof was not issued until after that day. If there was any departure from the course of unequivocal impartiality in the two cases, it was certainly not to the prejudice of the British Government, as in their case the proclamation was in anticipation of the time fixed upon by themselves, and in the French case it was not until after the time had arrived. When Opposition found that they were driven from this untenable ground, they took their stand on another; the French declaration they said was fraudulent on the face of it, and couched in terms that were offensive.

It was answered, that but two topics of just inquiry were presented in considering the sub-

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ject—first, had the French promised and was it fair to presume a repeal of their decrees in virtue of such promise?—and second, was the promise unequivocal and in terms unexceptionable? 1st. That they did promise a repeal no one will deny, and in point of fact we have express proof that it was conformed to, and not violated; our agents abroad state this, and the exemption of our vessels from capture under those decrees, is confirmatory of the assertion. 2d. As to the mode of making the promise: it will be recollected that we had prescribed a condition in our law to be performed in the event that either France or England revoked their edicts, and the other refused to do so within three months after such revocation, and the repeal of the Berlin and Milan decrees was made to depend upon our fulfilment of this condition—namely, a renewal of trade with the party repealing; and unless the outstanding belligerent repealed his decrees, a non-intercourse with him. I cannot discover any just cause for the criticism. It was in the nature of a neutral compact, requiring the fulfilment by each of the condition it had prescribed, as the consideration of its observance by the other; and it was exclusively in our power by observing good faith to render the contract absolute, or by violating our engagements defeat it. We kept our promise, and for the honor of our nation let it be understood, in no instance of our history has it been imputed to the Government that its promise was disregarded. The subsequent decree of the French Government, dated in April, 1811, is a proof that they considered we had performed our engagements. And I understand it, as its terms import it to be, no more than an absolute confirmation of the previous conditional repeal—a declaration that we had performed the condition.

I say nothing as to the charge whether this decree was not ante-dated; it is certainly fairly liable, from the circumstance of its concealment, to all the animadversions heaped upon its suspicious appearance. I am speaking only of its character and tendency; and I insist that the construction I have given is fair and reasonable. If so, the assertion that the repeal was not until after the proclamation, has not a shadow of reason for its support. Gentlemen, in the fertility of their invention, attempt to derive an argument from the subsequent repeal of the British decrees, against the justice of the war, which they call an act of rashness and precipitancy. And they allege there was every reason for believing the British would repeal their orders when they were notified of the repeal of the French decrees. In vain have we referred to the declarations of Mr. Foster that such repeal would not take place unless France not only rescinded her decrees so far as they violated our rights, but permitted the British manufactures to be admitted into the Continent also. We also showed that their Minister for Foreign Affairs declared the same thing; and that all pretext might be done away we quoted

the "declaration" of the Prince Regent to the same import. Affecting to disbelieve the confessions of the British themselves as proof of their intentions, a new species of reasoning was resorted to, which, as all new discoveries are to be secured by patent privileges, I hope the gentleman will obtain the exclusive right of using and vending. They said, you rely on the official declarations of the British Ministers and the Prince Regent to prove they would not repeal their Orders in Council unless the French decrees were unconditionally repealed—but they have nevertheless been repealed without such modification of the French decrees, and this proves the reverse; and, reasoning *a posteriori*, it stands thus: "we had a right to believe the event would happen because it has taken place," although they all declared prior thereto that it would not.

Mr. Chairman, although the subject of invasions of the right of property has been first considered in the order of my arrangement, I have always believed and still think it of most subordinate importance in the scale of national wrongs endured by the United States; for, in so far as the rights of persons are more invaluable than the rights of property, do violations of personal rights merit the prompt interposition of the Government; whilst spoliations of property admit of dilatory adjustment. Let it not be said that in the only free Government on earth, where alone all power is derived from, and frequently exercised by, the people; and the rights of persons not only constitute the key-stone of the arch of our political edifice, but the corner stone on which the arch itself is erected; and, above all, let it not be believed that in such a Government a freeman can be despoiled of his liberty, or a citizen can be torn from his country, without producing more excitement than the capture of a bale of cotton or a barrel of flour. Impressments of our citizens are most certainly a primary cause of this war.

We are met at the threshold of this inquiry with the assertion that impressment was not urged as an argument for the war, and this, if true, would be a *non sequitur*. The justice of our cause has never been made to depend upon the conclusiveness of our arguments. It would be a strange mockery of justice for a judge to say to a party before him—"Sir, your cause is just; and I would be compelled to decide in your favor, if your advocate had not discovered an incompetency to argue it; on that ground alone I am constrained to decree against you." I ask, sir, if gentlemen are not mistaken in this assertion? Has not the practice of impressment been always urged as an intolerable injury by the Administrations of Washington, Adams, and Jefferson too, as well as the present? General Washington, twenty years ago, declared that it was an outrage not to be endured, and threatened reprisals. And will it be said that the Father of his Country would seriously contend for trifles, and assume a principle as the

head of this nation which was to be given up as untenable? Sir, I think too highly of the character and virtues of that great man, whose reputation is the common property of his countrymen, without respect to the political distinctions set up by those who claim exclusive right to it, to subscribe for a moment to the unworthiness of the imputation; and permit me here to say, that the first general impression made on my youthful mind, was love and veneration for that great man, which no excitements of party spirit have ever unhinged or eradicated.

And who, I ask, among us will have the hardihood to assert that he unjustifiably resisted the practice of impressment? Not the Washington Benevolent Societies, I presume; for their "Aristides" was the organ through which the Presidential instruction was communicated. Sir, I do not allude to the appellation given to the venerable gentleman in derision; I am willing to allow him all the virtues claimed by his admirers, and attribute his errors to human frailty. Another distinguished favorite of Opposition, (I mean the Chief Justice,) while Secretary of State, wrote with energy and ability against this growing outrage. The honorable Mr. King, too, when Minister at London, reiterated the same complaints; and Mr. Jefferson made it a *sine qua non* of negotiation. Now, I ask, with these facts staring gentlemen in the face, can they pretend that impressment was not considered an inadmissible pretension? Evading an answer where none can be given, they tell us that Washington, Adams, and Jefferson, did not go to war for it. It is true they did not, and still the admission proves nothing. The first found his country exhausted, and by slow degrees recovering from the shock of a revolution; the government of it, which the sense of common danger and the united patriotism of the times alone rendered capable of sustaining any pressure, suddenly changed for a new system, against which the talents of some of the firmest patriots and strongest champions of liberty in the nation had been arrayed. The predictions of these men floated as beacons to guard against the dangers they had imagined; and in reducing order out of chaos, they were neither to be despised nor disregarded. It was his policy, and a wise one, to give the nation time to breathe and to grow strong; and in the mean time to enter a protest against this abuse, rather than go to war then to redress it. Let it be remembered, too, sir, that the injury then was small compared with its subsequent extent. It grew with our growth, and strengthened with our strength. Under the last Administration, it was of most alarming magnitude; under those of General Washington, and Mr. Adams, though each injury was an act of war, it might be compared to the murder of Pierce and the attack on the Chesapeake, admitting in the first instance of explanation without disgrace, and ultimate reparation. But if a hundred vessels had simul-

taneously murdered as many citizens, and attacked and destroyed all our vessels of war, no one could have forborne to identify the Government with its officers, and to hold it responsible for the outrage. Forbearance, under such circumstances, would have been pusillanimous and dishonorable; we must have repelled the hostile blow by hostile acts on our part, or surrendered the rank we have assumed as an independent nation. So, too, the first impressions of our citizens being disavowed, and reparation promised, the Government wisely preferred to rely on the justice of the British rather than on their own means for obtaining redress and future indemnity. Experience fatally proved the fallacy of this security; the cries of one American were drowned by those of his brother, who clung to his country and to liberty until the violence of the enemy had torn him from both, and riveted on him the fetters which had been forged for our citizens. Thousands of them in this manner were seized and carried off and still endure the slavery and degradation to which they have been doomed, unless in cases where a kind Providence has been pleased to close their eyes in death. And yet, that justice might be done to the long forbearance and pacific policy of this Government, year after year it sought redress in vain, and the answers of the British were a practical commentary on the insolent answers of their commanders, that "his Majesty's navy must have sailors." The nation was driven to the wall, where individual resistance becomes lawful in the sight of Heaven and all human laws, even though death ensue; there the constituted authorities took their stand, and the war was declared for "free trade and sailors' rights." Not, however, contented with a discussion of the avowed causes of the war, which is artfully evaded by the Opposition, they venture to presume others never contended for by the Administration, and level their artillery against those pretended causes. They say we claimed that free ships should make free goods, and that there should be no belligerent right of search. Sir, I deny the assertion in toto; and I believe if we could procure, by the common consent of nations, the adoption of a provision that there should be no search whatsoever, our interest would forbid it. I will acknowledge, sir, that on this point my private opinions have undergone a change. I do not recollect that I ever avowed them. I had believed that if the flag covered the vessel and cargo against all search, it would contribute much to the freedom of the seas, if, as a necessary condition of this privilege, no vessel were allowed to abuse the flag; to carry any other than its own; or to violate the law of nations—in relation to contraband of war, and carrying enemies in the military service of an enemy. Without these securities the privilege would not be desirable; and when I look to the experience of other nations as well as our own, I look for them in vain. Unfortunately for the honest merchant, and we have many, there are

others of a different stamp, whom no laws will restrain, by whom no principles will be respected—even now they are in secret correspondence with our enemy, and subserving his schemes of murder and conflagration, by furnishing the instruments of death, and the means of subsistence. To illustrate my views, I will suppose a case. We are at war with a foreign nation who effects a landing in Louisiana; our navy nevertheless gives us the command of the American seas—and I am indulging in no improbable hypothesis, for we are destined to become a great naval power—the invader cannot subsist his army without fresh troops, other implements of war, provisions, &c., and these he knows will fall a prey to our naval superiority; a corrupt neutral, stimulated by gain, ministers to his necessities, carries men, arms, and ammunition, to relieve him. Our gallant tars believe this fraudulent trade is practised; but they dare not search the vessels employed in it, because of their abused immunities. Should we restrain them, and stay their hand from tearing the flag from the mast of the enemy in disguise, and making him pay the forfeit?

It is said, too, that we are fighting for the establishment of a new law of blockades, that “there should be an investment by land and water;” this is equally incorrect. We stand in regard to them upon the British doctrine; we demanded the observance of their own rules; which they disregarded by substituting proclamations and orders for men and ships; it was their *paper* blockades, against which this Government contended. We are accused of insisting on a violation of the public law of Europe, in protecting naturalized men. And whilst the genius of free Governments, and of our constitution, as well as the uniform practice of all the nations of Europe, and of Great Britain in particular, are overlooked, gentlemen gravely advocate her abstract rights and municipal regulations. If a plain man were asked what is the public law of Europe? I apprehend he would answer, the universal practice of all the States of Europe, exercised by each, assented to by all, disputed by none. Yet, if tested by this construction, the advocates of the British pretension in regard to us, have nothing whereon to predicate an argument. The question of impressment, however, has nothing to do with the others, although gentlemen attempt to hide it in a mass of imposture, and in the jargon of the law of despotism. The single point is, will you protect your *natural-born citizens* in the enjoyment of their personal liberty at sea, as well as on the land? Let the career of our sailors be the answer, those gallant spirits who have borne our thunders on the mountain wave, and taught the enemy that he is not invincible; who carry from the mast head the motto of “Don’t give up the ship,” as an earnest that, so far as the badge of sovereignty is confided to their keeping, the national honor has nothing to apprehend, if the Government respond to the sentiment—as I would have the Legislature

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speak to the Executive in relation to the execution of his functions, *Don’t give up the crew.* I ask, Mr. Chairman, will you tear such a man from his ship; from his family; from the wife of his bosom, and the children of their love; from his aged parent who assisted to rear the fabric of liberty, and rejoices now in the evening of his days that his eyes will be closed by a brave son worthy of his father? No, sir; rather tell Liberty to tear the constitution to pieces; to depart from this Hall, and scatter it to the winds; to pull down the dome of this magnificent temple; to raze the monuments of freedom to their foundation; to leave us forever, for we have insulted her, and all our pledges and pretensions were a disgraceful mockery of her principles.

It is said we have gone to war to protect British subjects; that we naturalize and employ their sailors. In the very nature of things, few if any can be naturalized; and it is a pretence merely. The seaman who conforms to our naturalization laws, which require five years’ residence in a State or district, and testimonials of good character, rarely, if ever, returns to the sea, so long abandoned by him; and, in fact, as I have been informed by an honorable gentleman in the minority who is conversant with such subjects, (Mr. JACKSON, of Rhode Island,) but few naturalized seamen are to be found. Sir, we don’t want naturalized seamen, as our law which forbids their employment evinces. I have said, on a former occasion, and the remark has been recently quoted with an air of triumph, that the men who come hither from Europe in search of an asylum, securing to them civil and religious liberty, go to the interior, they follow the plough or some mechanic art, they are valuable men and good citizens; but there are others who infest the seaport towns and wear our privileges to hide their foreign connections, who are a pest to society and a curse to the country; and I would rejoice to see a provision in our laws preventing them from engaging in commerce or navigation. I would say to them, in explicit terms, Whilst you live among us and obey our laws, we will protect you; but the moment you go to sea beyond our territorial limits, you cease to be a citizen; you have no right there, and our duty to protect you then ceases. But the rights and duties change in relation to persons in our territory, on the soil of our country. We have, by the constitution, a power to naturalize foreigners, and I did not expect it would be contended that man has not a natural right to dwell where he pleases, to choose his form of Government and political society. This power of naturalization has received the sanction of all parties; it was first exercised by the Washington Administration; and even the old Congress of the Revolution, in their addresses, particularly to the inhabitants of Ireland, in the most eloquent language, invited them to come and live with us as members of our political family. Al-

though no direct invitation is now given by this Government, yet when a foreigner comes under the faith of our constitution and laws, conforms to their provisions, and becomes a citizen, a contract is entered into of the most solemn character and binding validity on his part, that he will serve the country faithfully as a citizen, and, on the part of the country, that it will protect him in the enjoyment of his rights; he owes obedience to our laws, is bound to give his money in taxes, and his personal services in battle, and, if taken prisoner, it would be disgraceful to us as a nation to permit the enemy with impunity to hang him up as a traitor. As a militiaman, suppose he is called to Hampton, that memorable scene of British honor and humanity, and while contending in your ranks to repel the ruthless invader he is captured, would you consent to his immolation? I have said that man has a *natural* right to choose his country and his political society, and even this proposition, so reasonable and just, is controverted, and a new principle of social duty is assumed here. "The sovereign (it is said) is absolute over the subject; he becomes a tenant of the soil on which he is ushered into life, and cannot be transplanted; he owes a perpetual allegiance to it, and is punishable for acts inconsistent with that allegiance." This definition of the sovereign power suits only the regions of despotism, where man is a slave; the whole of it reduces him to the condition of a Russian serf, who is sold with the estate of the lord to whom both belong.

Much as I detest the Godwinian principle, that the son owes no duty to his parents, (if, as the gentleman contends, such be his doctrine,) that which assumes that the duty of man to the land of his birth is as strong, is equally abhorrent. What! man belong to the soil? Man, whom God created in his own image and likeness, and to whom he gave dominion over the earth and sea, and all that in them is? Shall he be bound in gratitude to the land where he is accidentally born—from which his parents and all his race are either driven, or were destroyed there in his infancy by the tyrant hand of oppression, and from whose persecutions he flies to a clime where civil and religious liberty are consecrated by the laws, and enjoyed alike by the great man in his palace and the peasant in his cottage? We are asked with seeming triumph, if France invades us, will we permit a citizen to go off, join the standard, and add to the force of the enemy? I answer, no. In time of war between two nations the migrations of the citizens of one to the other nation is unlawful; in time of peace it is far different. In war, the motive is clearly hostile and treasonable to his country; but in peace, the just presumption of reason and humanity being in favor of its continuance, no such idea is inferable from the act, which is not only not unlawful, but permitted. The case put is in nowise analogous. Pursuing the argument, which, in effect, justifies or palliates the British practice, the gentleman

(Mr. SHEFFEY) tells us impressment is only the abuse of the usage (I really apprehended he would say the right) of Great Britain, long established. Sir, I deny that the practice is of ancient date, and I deny, too, that it has been exercised against any nation, even the most unimportant, except the United States. Prior to the Revolution, this country being colonies of Great Britain, and our merchant vessels subject to the regulations of the parent State, any practice then need not be mentioned, because not applicable. During the Revolutionary war, impressments, in the nature of things, could not be practised, as nothing but superior force placed our seamen in the power of the enemy, and then they were held as prisoners of war only. Since the treaty of peace, this ancient usage, as it is called, was first commenced against the free citizens of this country. It was promptly met and resisted by manly remonstrance, indicating that, unless redressed, *resistance* of a different character would be resorted to.

Impressment, it is said, could have been arranged, in the opinion of high authority; and Mr. King has often been alluded to as being of that opinion. It is true that the English Minister agreed with him to desist from impressment altogether, except in the narrow seas; but there is no doubt that the exception insisted on was to prevent any arrangement, as was in effect avowed since. Mr. King refused to make the exception, and he declared he would rather lose all than agree to it. Messrs. Monroe and Pinkney are also alluded to, as proving that the accommodation could have been effected. It will be recollected that after the death of Mr. Fox, who was the head and soul of his Ministry, and whilst the remnant that remained were descending from power, a treaty was formed with Messrs. Monroe and Pinkney, in which they would not consent to insert any provision in relation to impressment, but agreed to an informal note, which it was supposed contained something valuable. Mr. Canning, soon after, was at the head of the Foreign Department, and on receiving a communication notifying him of the promise contained in this note, he addressed a letter to the ex-Ministers, Lords Holland and Auckland, who had written it, to know if they had promised any suspension or discontinuance of the practice of impressment. They referred him, at first, to the note itself, and, on his pressing them further, they declared that they "only intended to promise the utmost caution in the exercise of the right, but no suspension or discontinuance of the practice of impressment." (I quote the correspondence from memory, but I know I quote it substantially.) Mr. Canning then wrote to our Minister that no engagements were entered into by Great Britain except such as appeared on the face of the treaty. Sir, Great Britain never claimed the right to impress our natural born seamen. They always professed to exercise the utmost caution, and this was no more. An avowed

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disregard of it would have been war at once. Yet what had we to expect for the future by recurring to the past? Thousands of our seamen had been impressed; the cries of "I am an American citizen," were disregarded, and, as if to manifest a contempt of all appearances, Danes, Swedes, Germans, and negroes, were taken from our vessels under the plea that they were British subjects.

The gentleman from Virginia is for drawing a strange line of distinction. He will risk nothing for persons coming here for the last fifteen years. He will permit them to emigrate, but will not naturalize them. What! make the alien a nullity; like a monk, professed in good old common law, *civilitur mortuus*? It would be a dangerous situation to society to have persons in it owing a temporary allegiance here, and a paramount permanent allegiance elsewhere. If they have no rights they can be subject to no duties; neither entitled to hold property, nor prosecute suits, nor liable to pay taxes. Their situation must be that of an outlaw, who may be hunted and killed as a wild beast. To my mind, the apology offered for British impressment, that it is a "municipal regulation," is the most exceptionable. What! shall the municipal regulations of Great Britain be exercised on board our vessels? If so, with equal justice may they be exercised on the land also, and thus we shall see British officers traversing our country, seeking out and seizing their victims, and carrying them off in defiance of our national sovereignty and independence.

We are reminded of the pretences under which other nations justify their wars, and are told that Great Britain goes to war for fooleries, such as the Spanish succession, &c.; and gentlemen advise us to pursue a more laudable course. It is worthy of remark that this Government was censured for refusing to become implicated in this Spanish war, which is now denounced from the same quarter as a *foolery*. And can it be that the rights of these States are compared to the fooleries of madmen, and debauched, corrupted monarchs? Our Government was formed for the common defence and general welfare; its primary duty is, to preserve the immunities of persons and the rights of property inviolate; and whatever may be said by the malcontents of the present day of the manly efforts to maintain these, posterity will not fail to do us justice.

It will do justice, also, to the opinion advanced by the Opposition, that we should have gone on, clamoring more and more about the Orders in Council, and prosecuted the culprits who kidnapped our sailors, by actions of false imprisonment in the Court of King's Bench, in England; and, instead of protecting our citizens by the national arm, we should have fed the lawyers who practice in their Inns of Court to recover indemnity in damages, to be assessed by a British jury in a British court. Sir, there are some propositions too outrageous to admit

of discussion, and, permit me to say, I rank these among that number.

We are told that the rejection of the treaty of 1806 produced the war, and that it should have been ratified. I regret that a want of time prevents me from a re-examination of this question, because it is much pressed by Opposition, and may be fully refuted; perhaps a simple denial would suffice for a mere assertion, for it is not attempted to be shown that the assertion is justified. I deny that the treaty afforded any security against the abuses we have recited; it contained no indemnity for the vast spoliation of property; and it is a principle of common law and reason, applicable to individual transactions as well as to national controversies, that a claim advanced in a settlement and resisted, for which no provision is made, is considered to be barred by such settlement. So far from healing up existing differences, and preventing future ones, the seeds of controversy were sown deep by the British, and the outrageous pretension was set up to chastise us for French aggressions, unless we resisted them in the manner they required. I refer gentlemen to the official note delivered by the British Commissioners at signing the treaty, in which they state that it is not to be considered as binding on their part, unless the United States, by their conduct and assurances, give security to resist France; and when the Minister was told that we had, by our conduct, given those assurances, he declared he was not satisfied therewith. Thus, sir, we were to bind ourselves by a treaty, which was or was not to be obligatory on the enemy, according to his capricious opinions of the degree and character of resistance we were to make to the encroachments of the French. And no one can be so credulous as to believe that any measure short of war would have been satisfactory. The acts of the British were obviously founded in the belief that we had no intention to maintain and enforce a respect for our rights. Gentlemen even now admit that they considered the intimation of the necessity of war as an idle threat. No doubt they did, sir; their friends here had asserted the same belief, and on this error their impositions were predicated. If after all that had been said and done by our Government, and the contempt with which it was treated, we had succumbed, we should, after having become the scorn and derision of the world, by refusing to fight for our rights and honor, have been compelled at last to fight for our existence as a nation. Among nations, as between individuals, no point should be urged unless sanctioned by right and justice; but, once urged, it should be maintained manfully and bravely. The advice of the good old Polonius to his son should be followed—"Beware of entrance on a quarrel; but, being in, be firm, and then thy enemy will beware of thee."

We are accused of abandoning the prosperity and happiness of 1809, by going to war. I am at a loss to know in what that happiness and

prosperity consisted. Was it in the depredations on our commerce and the capture of our seamen? If so, we were eminently happy, as every day's experience testified; and that species of happiness continued down to the declaration of war. Yet gentlemen say that Great Britain considers our war as an offensive war, and they concur in the opinion.

No doubt Great Britain thinks so; she argued herself into the same belief when she attacked the Spanish frigates, but the world did justice to her motives; their high offence was, that they carried millions of dollars, and Great Britain wanted the money. So, too, in her attack upon the peaceful *Dane*, when his capital was destroyed and his fleet was captured; when fire and the sword laid waste Copenhagen, and deluged its streets in the blood of its innocent women and children. The plea in both cases was the same—"Bonaparte, my enemy, will get your money and fleet, and thereby increase his means of annoying me, and I will defend myself against this apprehension." Such, in effect, was her language to us, in her just and defensive retaliation. Let us simplify this ground by applying it to individual intercourse. A man travelling on the high road is accosted by a robber, who demands his money, and accompanies the demand by a vindication of his conduct to this effect: "I rob you not with a desire to enrich myself, but I have an unprincipled enemy living on the road, who has need of your cash, and unless I get it he will, and it will add to his means of destroying me; besides, he will, after robbing, murder you, and to guard you against the perils that await you, I will rob you myself, and make you my prisoner, out of pure good will, and in my own defence." Such is the practice, such alone can be the justification, of Great Britain, and I do not wonder that she considers ours as an offensive war.

We are reminded of the pretences by which the partitioners of Poland affected to justify themselves—not that Poland had done them injury, but that the Polish principles were dangerous to the safety of crowned heads, who were alarmed at the example of a people capable of self-government. The gentleman might have referred, also, to the famous confederacies of Pavia and Pilnitz, which were formed on the same plea against France, and in which the British Government performed a conspicuous part. Sir, these examples afford other evidences of the facility with which the British cheat themselves into the belief—kind, honest souls!—that all their wars are defensive. Yet, strange to tell, they are illustrations of the opinion entertained here by the Opposition, of the soundness and justice of the American claims. I ask, emphatically, is it possible that any man can believe that our war is of a similar character, and waged on such flagitious pretensions? Gentlemen say yes; you have a lawless hostility against Great Britain, and your measures proceed from that source. I refer to two memorable examples of the pacific temper

of this nation, where the conduct of the British was universally condemned, viz: the murder of *Pierce*, and the attack on the *Chesapeake*. When the murdered *Pierce* arrived at New York, all parties vied who should manifest the strongest resentment. The Federalists, with Mr. King at their head, paraded the streets with the dead body, and one cry of vengeance animated the nation. So, too, when the *Chesapeake* was taken, all parties cried aloud for war; and, had the Congress been convened, and a declaration of war recommended, I do verily believe it would have passed almost unanimously. But the Executive then, as had been done by Congress on a former occasion, clinging to peace as a sheet-anchor of safety, resolved not to identify the Government with the act of its officer, but to admit of pacific explanation and atonement. Gentlemen mistake the fact; it is Britain that is hostile, and not this nation. Look at her conduct towards the Indians before the war was declared, and even whilst her Minister was denying the justice of opinions drawn from that conduct; these people, to whom we sent the missionaries of the Gospel and the implements of husbandry, were enticed to take up arms against us, by the holy "bulwark of religion;" they were made hostile by promises and by presents; by spirits to inflame their passions, and by arms to destroy us; and these facts, coming to the Executive from every quarter, were verified by corresponding circumstances. A vast body of armed savages were assembled at *Tippicanoe*, threatening the frontier, which more than once had been recently smoking in blood and conflagration. There, with the language of peace in their mouths, like their employers, they attacked our force, and, being defeated, they left behind them British arms, British scalping knives and tomahawks, and British ornaments. Their open, avowed, and immediate employment of them as soon as war was declared, is conclusive proof on that head; for how, I ask, could they otherwise have concentrated such a large Indian force in so short a time? Sir, I am humbled to find it necessary, in this House, to discuss the justice of the war, and to answer objections taken by my countrymen against the cause of our common country. I do greatly mistake if I have not shown that the war was just, necessary, and unavoidable at its commencement; which brings me to the second point, viz: The justice of its continuance.

We are told that the war should be discontinued, as the Orders in Council have been repealed. Their repeal was conditional merely, and the terms certainly not the most satisfactory. We were informed that, unless British vessels and British goods were freely admitted into our ports, the repeal would not be respected, and the right of passing the orders was expressly asserted. But, waiving these objections, I insist that impressments either are or are not justifiable. If not, as I have attempted to show, they should be provided against; and

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the Government has done all it could to terminate the war, by proposals to entertain for discussion this important question. The British were not required to abandon it without a reasonable indemnity; they were not even required to do more than suspend the practice during a suspension of hostilities, or to continue the war, and to negotiate on that point in the mean time. Yet, strange to tell, the British peremptorily rejected all these offers, although they well knew that in time of war they cannot impress; that if hostilities be suspended, they cannot impress during such suspension, as it would be an act of war. Yet they refused to forbear the practice and try the effect of negotiation. What! shall we be bound whilst treating of peace with the enemy, and he be at liberty to make war on us? The idea is too preposterous and extravagant. The plea of Great Britain was, that we harbored her seamen, we encouraged desertion; we were not prevented, by the circumstance of being at war with her, from removing this pretence, and the seamen's bill was passed. Yet, strange to tell, its passage was opposed by the minority.

The Emperor of Russia, the friend and ally of England, offered his mediation to effect a reconciliation. It was promptly accepted, in the liberal spirit in which it had been conceived; and our Ministers were sent on a peace mission. A stronger proof of the just views and sincerity of a nation than was then given by the Executive, never was afforded. The ally of our enemy was confided in by us—an ally at war with the nation to whom it is falsely pretended we are devoted: and a distinguished Federalist was appointed as one of the negotiators. The conduct of Opposition in regard to this mediation deserves particular notice. At first they accused the President of avoiding the mediation as long as he could, because of his aversion to a peace, and until he found the public sentiment running strong against him. After the mediation was accepted, and our Ministers had sailed, there were strong indications of its rejection by Great Britain, and it was finally rejected. Then it pleased Opposition to denounce the Executive for accepting the mediation, and its great leader declared that the mediation was tendered by the Russian Minister without the authority of his Emperor, and this tender was produced by the intrigue of our Government. The course the Opposition took on that occasion was not without example. They had practised it in the famous Erskine arrangement. Then the Opposition affirmed that they knew Great Britain had been always disposed to friendly intercourse, if they could meet a corresponding temper; and they hailed the accommodation as evidence of its commencement. They carried that feeling into this House; here a vote of thanks was proposed to be tendered to the President; he was called the man of the people, the friend of his country, &c. But Erskine's arrangement was rejected by his Government;

and then, in the true spirit of liberality and consistency, the same gentlemen condemned the President for imposing on the young, credulous Minister; and a member of this House, who advocated the vote of approbation in the first instance, came forward and censured the President for confiding in the honor of the Minister, and stated that he should have first seen his patent powers under the sign manual of the King. Suppose the President had done so, and the Minister, feeling the indignity, had demanded his passports, and left the country—we should then have heard a general cry of condemnation. Whilst the Opposition were of opinion that the Russian mediation was sanctioned by Great Britain, the acceptance of it by us was wise, pacific, and just; it met their cordial approbation; but when Great Britain rejected it, they too condemned it, as an imposition, which the Executive had practised, knowing it must necessarily fail. I request gentlemen to mark the language of Alexander, in the tender of his good offices—he is satisfied the United States have done all they could do to avoid war. Let them mark, too, his relation to England, engaged in an alliance with her, receiving her assistance in a struggle he was making for his throne, his empire, and independence. At this interesting crisis, Alexander bears testimony before all the world of his confidence in the just views of America; let Opposition learn a lesson of forbearance and liberality from his magnanimity;—he, if present feeling and interest would sway him, would have been ready to espouse the cause of England against us. Yet he, rising above such narrow selfishness, manifests his confidence in decided terms—whilst Opposition, having a common interest with a majority in the welfare of the nation, takes the unjust side of England. Great Britain foresaw that a refusal of the Russian mediation would expose her to just censure, unless covered by some plausible pretext, and has attempted to shield herself by the expression of her unwillingness to unite our dispute with the affairs of the Continent. What affairs, I ask? Not French affairs; there was no danger of the phantom "French influence" to be apprehended from the proffered mediation, as Russia was at war with France. I will answer the question for England. It was the desire manifested by the Baltic States, on a former occasion, to maintain the maritime rights of all nations, that Great Britain deprecated; they too like us entertained the notion that when God separated the sea from the land he made it free, like the air we breathe, for all nations. And I hope and trust that Alexander will add to his title of "Deliverer of Europe" the more glorious one of Deliverer of the World; that, having called into action the energies of his great mind, and the vast resources of his Empire; after having rolled back the mighty wave of French power which inundated the neighboring States, and swept away the ancient boundaries of Russia

until it penetrated to Moscow, the capital of the Czars; after putting down the tyranny of the land, which threatened the subjugation of the Continent, he will not lay down his arms until he has executed the vast design, worthy of the cause which has produced the development of his powers, of putting down the tyranny of the seas.

This Russian mediation teaches another important fact, which must stamp with eternal infamy the charge of French influence. To Russia, fighting against France, the United States have confided their cause and its object; and have thereby shown that no relation whatsoever subsisted with France, which the enemies of France could regret or disapprove—in fine, that none of any kind existed not known to all the world. Great Britain has proposed to treat directly with us at Gottenburg, and the offer was accepted without delay. Not disposed to resent the rejection of all previous overtures made directly by this Government, and the indirect one which the mediation afforded, but zealously anxious to obtain a speedy and honorable peace, we find a steady perseverance in that object, nay, even a solicitude which the enemy may mistake for timidity, and which some warm spirits in this nation have reprehended, which brings me to a conclusion of the second point, viz: the justice of a continuance of the war; and I hope I have established the justice of its continuance, as well by showing that its object has not been attained, as in recurring to the proofs that the Government have made and are now making every honorable effort to produce its termination. Indeed it is said, that Administration are bent on peace, and we shall soon have it; that they have struck their flag, and gentlemen are glad of it. And a lame attempt is made to distinguish between the national flag and the flag of Administration—it is admitted that the flag of Administration is to give protection to “free trade and sailors’ rights,” and I think those five words contain a constitutional definition of all that concerns us with foreign nations beyond our landed limits. This anticipated surrender, which affords so much pleasure to gentlemen, might have been communicated by the King’s messenger; but that would not suffice, the supremacy of the Pope was to be duly acknowledged, a King must hold his stirrup, five Envoys with badges of humiliation must carry our submission to England; for it was thus the keys of Calais were surrendered. What are the proofs of this submission? this surrender of sailors’ rights? Gentlemen say, the Prince Regent refers to his maritime rights, and asserts that the United States have not discovered a disposition to treat on the basis of their recognition—that Lord Castlereagh proposes to negotiate on those terms, and that the acceptance of the offer is submission. We never contested the maritime rights of England, it was her maritime wrongs we complained of. The public law of Europe and the maritime

rights of Great Britain are common to all nations; her maritime rights are as well defined as ours; we are all equals; and usurpation and oppression, though successful, constitute no new “right.” Sir, I object to the authority introduced by the gentleman, as well as to the justice of his deductions. Shall America be judged by the Prince Regent? shall its cause or its intentions be decided by his assertions? I hope not, sir, as on his evidence the United States are leagued with France; and on that of his representative, Lieutenant General Prevost, we are the allies of France. I shall not engage in the idle controversy, whether a surrender of our rights be or be not intended—I will not attempt to convince gentlemen of what Administration intend to do, when they will not understand or believe what they have done.

I do not envy those feelings which induce the assertion, that the surrender of our rights affords pleasure and cause of rejoicing. I thank God mine are of a different stamp. I shall rejoice to see not only the rights of commerce and seamen, so far as my countrymen are concerned, excepted from oppression, but the rights of all the world respected and consecrated by the laws and usages of nations.

I will now consider the third point, the manner of carrying on this war; which has also met with marked condemnation. It is said the war, as carried on, is an offensive war; it is not for the maintenance of our rights, but is a war of conquest. It is worthy of remark here, that Opposition asserted the same thing before a blow was struck, at the time of declaring war. Although the charge has been exposed with much ability by my honorable friends, I will venture to offer a few remarks in addition to theirs; and, before I do so, permit me to express my opinion in relation to Canada, for it is due to this investigation that I should be rightly understood on that point. Canada as a territory is not worth one cent to us—I would not have it; and as affording the means of stirring up the savages alone can it be important? If Great Britain remains pacific and just towards us, and does not excite the Indians, they may keep Canada with my approbation forever; it is intrinsically of no value to us. I speak more particularly as a Western man. We have already territory enough for many years to come, and, by refusing to enlarge it by acquisitions on the Northern frontier, we secure to the West a continuation of the vast emigration from the Northern and Eastern sections of this Union, which not only contributes to increase the ratio of our numbers and enhance the value of our lands, but by degrees will effect a more important object. The emigrants will communicate to their friends who are left behind, that the jealousies which wicked and designing men are industriously exciting are unfounded and unjust; and they will by-and-by learn to judge of us correctly, and we shall thereby acquire the greatly desirable object, a national character,

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which is only to be attained by extinguishing sectional jealousies. Conquest, Mr. Chairman, is not our character; the Louisiana case is a memorable instance of it. When the right of deposit at Orleans, which was sanctioned by treaty, was prohibited by the unauthorized act of the Spanish Intendant, leading members of Opposition were then for buckling on the armor of war; they proposed raising an army of fifty thousand men to take the country, which they said we must have at any sacrifice; for, that the Island of New Orleans alone would justify the expenditure. The Government concurred in opinion of its importance, but rejected the course advised for its acquisition; it would not wage war—"first strike and then hear" the explanation which Spain had to offer. The Spanish Government disavowed the act of its agent, and the country was acquired by cession for \$15,000,000, about one-third of the price of one campaign.

Yet, when thus acquired, the same gentlemen condemned the acquisition and declared the bargain was a bad one. I repeat the assertion; a desire of conquest does not constitute a trait in our character, as this celebrated instance proves. But, say gentlemen, your operations are offensive in their nature, and this changes the character of the war. My friend from South Carolina (Mr. CALHOUN) gave the proper answer to this assertion—"the character of the war cannot be affected by the mode of conducting it; the causes of its origin alone give it a character, and that never changes unless the war is continued after the causes cease." This was the idea, if not the language of my friend, and surely the reasoning is conclusive. If the war was declared for just cause, how should a wise Government conduct it? I answer, make it fall as heavily on the enemy as possible within the lawful rules of warfare, and as lightly as it can on our own people. In order to do this it must attack him—put him on the defensive, and not wait to repel his attacks. It was said in the British Parliament, by Mr. Canning, that one of their "ablest friends in Congress" had declared that in a few months the British would destroy our towns and ravage the seacoast, and he upbraided the Ministry with the omission to verify this prediction. If the enemy had the power, we know he would have executed it, as the defenceless villages on the Chesapeake show. And how has this been prevented? I answer, by invading his territory, compelling him to draw his forces there, and putting him on the defensive. If the character of the war depend upon the mode of carrying it on, if invading the territory of the enemy constitute offensive war, the war is offensive on his part; and thus, by the process of reasoning indulged by gentlemen, it is proved that each nation is carrying on an offensive war against the other at the same time, which involves the grossest absurdity. I suppose the enemy will be justified in his warfare—indeed he has been already—and we shall be told he attacks for his own defence and safety. It was for this purpose

he carried his arms into Michigan, to the river Raisin, to Fort Meigs, Sandusky, Hampton, Erie, Black Rock, Buffalo, &c., where his footsteps were marked with butchery and bloodshed, conflagration, and rapine, which would have scandalized a cannibal. There was a paramount motive for invading Canada—there the Indians were hired by their cruel employers—there they were set on to deeds of blood, and there it was, that a price was promised them for the scalps of infant innocence and unprotected helpless women. And while the frontier man rushed to the battle at the call of his country, and opposed in fair and honorable combat the open invader—the red ally of England, who had been fattened and made strong by the bounty before he was so cruelly excited against his protector—the savage who was drawn from the wilds of his forest crept in behind him like a wolf into the sheepfold, and awakening his family from the midnight sleep by his horrible yells—the conflagration of their dwellings lighted him to their hiding place, and with more than savage fury he tore the infant from its mother's bosom and beat out its brains against her head. When the soldier came back to find his family and his home, not a vestige of either remained; all were consumed by the fell destroyer, who had fled with their bleeding scalps to the British Proctors and Elliots, who paid the stipulated bounty.

Sir, I refer gentlemen to the celebrated speech of their friend (Mr. ARMS) upon the British treaty. He urged its adoption because it gave up to us our own posts, where the British, as he admitted, influenced the Indians to make war; and I believe the treaty went down in consequence of the eloquence with which he pressed that subject. Now, I ask, then, can gentlemen reconcile it to themselves to condemn the Government for exercising all its efforts to prevent this outrageous warfare? The British attempt to apologize for their barbarities by stating that they cannot restrain the Indians. This, if true, is no palliation. The ready reply is, you violate all the rules of civilized warfare by the use of any means you cannot control within them, and are answerable for such use. But the assertion is not true. We have been, at last reluctantly constrained to employ the Indians in our just defence, and in no instance have they scalped the dead or murdered the prisoners; they have obeyed the orders of the American officers; and no doubt the British have been equally obeyed by those in their service. Suppose this system of carrying on the war on the defensive plan recommended were adopted; it would lead to consequences the most absurd, and humiliating, and destructive. The enemy invades your territory, and then, and then only, he is liable to your attacks. After striking his blow, your forces are marched against him, and he is driven to the line with his booty and prisoners;—with difficulty he eludes your grasp, until he rushes, exhausted and resistless, into his own territory, and a few hundred yards beyond your boundary he pitches

his tents in security; the soldier's arm is paralyzed, his musket is stricken out of his hands, and the enemy riots in security before his eyes, surrounded by the inviolability of a contemptible policy. There he recruits his strength, strikes another blow elsewhere, flees again to the place of security, and is safe. Just like the felons in the iron times of feudal vassalage, who ran to the consecrated places of safety, where the sword of justice could never reach them. Then, indeed, would the Cockburns of England have verified the predictions of their "friend in Congress;" the disposable force of Canada, which was kept in check, might have been transported to attack our seaport towns in succession, and the cruelties and outrages of Hampton would have been tender mercies to what we should have suffered. The plan of the Administration for the conduct of the war is not only condemned in unqualified terms by the minority, but they have had the kindness to give their advice how to manage it for the future. They say, "repeal the embargo, send all your vessels to sea, and we will unite with you there. Take the Lakes and the St. Lawrence in this, and we will support you." I consider that something is gained by this admission. It now seems that it is not immoral to rejoice with us for our naval victories; gentlemen are willing to aid us also in achieving others.

Let us examine this concession with the argument that the war is unjust; that the war is offensive, &c. Surely the war on the ocean will be peculiarly offensive to Great Britain; "the sea is Britain's own domain"—"all under sea is British ground"—"Britannia rules the waves." These are the favorite themes of the fast-anchored isle; and dare we invade her dominion? That will indeed be offensive war! Sir, I consider the point of the justice, &c., of the war as conceded by the minority, if we will consent to fight with them in their own way. I should like to know how the war is to be conducted there. "Free trade and sailors' rights" are to be given up; the flag is to be struck, and, I suppose, we are to fight if molested in the enjoyment of the degradation. Gentlemen say, you are injured on the ocean—seek redress there. Why, then, attack on the Lakes and St. Lawrence? There, too, the war will be offensive; it will fall upon the "innocent, harmless Canadians" and His Majesty's sailors, poor souls, who never did you harm, except you choose to call by that harsh epithet the impressment of your seamen and murders of your women and children. Let us test these professions of Opposition by their practice. We ask money for the navy, and even that is refused—we ask it for the civil list, for paying the interest of the debt themselves assumed, for the defence of our seacoasts, &c., and they will not give one cent; and the plea set up by them is, "we will not give you money to carry on a war which you have not competency to conduct." I am ready to admit that the war has been in some places badly conducted; though I feel convinced the

disasters and disappointments are attributable to the officers who have been confided in, and not to any want of capacity or foresight in the head of the War Department. If candor and justice are more than an empty sound, there can be but one opinion on that subject, namely, that the genius, and talents, and capacity of the Secretary are of the highest order. But what, let me ask, is the amount of the objection? Nothing more than arguing against the cause by the effect, against the object of the operations by the failure of them. The failure of those operations has given rise to much eloquent sarcasm, and to a personality I regret. I regret that the gentleman from New York, who manifests so high a sense of his personal honor, and a determination to maintain his rights, should have thought fit to assail the honor of others. I am sure the gentleman in his cooler moments must condemn his attack on General Smyth, a gentleman whom I have only seen at this place some years since, whom I do not presume to vindicate, whose conduct I too have not approved. I have understood, however, from an honorable source, that Smyth is not a coward; and the act alluded to, if evincing cowardice, implicates other gentlemen who advised the course he adopted, and surely the honorable member will not say they too are cowards.

I will notice another remark of the honorable gentleman. He said that invading Canada, the cornfields, wigwams, and hunting grounds of the Indians, justify the employment of them, to *defend* their rights and homes. What, sir, were they *defended* at Detroit, at Fort Meigs, the River Raisin, Buffalo, &c., where the Indian tore the scalp from the bleeding captive, before the tomahawk had terminated his sufferings!

Mr. Chairman, here lies the great misfortune under which our country groans: every thing this Government does is condemned in language of the bitterest invective. No considerations of country can stay the wrath of its opponents. On the other hand, every act the enemy commits is justified or palliated. Nothing—not the dying groans of the aged and helpless, nor the cries of violated innocence—can excite their displeasure against the enemy. The gentleman from Virginia (Mr. SHEFFERY) says this censure is all right; it will do no harm to arraign Administration if its measures are wise and proper. Do gentlemen perceive the tendency of this argument? It is calculated to discredit themselves with the people, when they are even right. Having avowed their principles of action, and so often been driven from the untenable ground they have occupied, they will not be able to make the people listen to them. Great Britain teaches us a valuable lesson on this point. They have unanimously resolved to carry on the war against us, although they all know, and many of their distinguished statesmen have avowed, they are in the wrong. While here, every attempt is made to degrade the Government, to destroy the spirit of the nation, and snatch from the gallant soldier the meed of praise; for in

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this Hall, during this session, it has been affirmed that "necessity and vice were the only stimulants to enlistment." Why, Pitt and Fox, and Barré, have done the same in England, say the gentlemen. Sir, I reject the English precedents altogether, as not suited to a Government elective as ours is. I deny the application of them, if they were admissible. When these men stood up as the champions of liberty against the tyranny of the Ministry, which our fathers nobly and successfully resisted, they plead the cause of the American colonies against usurpation. The fetters of slavery had been forged for us; the cords with which they had bound us were drawn tighter every day. But, Samson's hair was then unshorn, and, when he put forth his strength, they fell from his arms like slender threads. They opposed a wicked invasion of our rights; and if the same men were now living, and their principles were not changed, we should perceive a similar opposition to the subsequent invasions. Are the causes similar? Do we attack the unquestionable rights of England? Are we attempting the destruction of her commerce and enslavement of her seamen? No, sir, we are defending the great rights of this new, but wonderful people, whose high destiny cannot—will not—brook the lawless encroachments of any nation. Gentlemen pressing the example of England, say, "the Tories, when in power, were patriots in opposition; that there is no other difference among men than a change of situation produces." I regard this as a precious confession. It amounts to no less than an admission that they are engaged in a mere scramble for power; and if in power, they would pursue our course. Yes, I believe they would. Sir, the party who have so often manifested an extreme sensibility at the outrages they witnessed, while in power have given a pledge to the nation that its rights would not be prostrated by submission to British encroachments. "Our arms have failed, (say gentlemen.) What is the cause of it? The fault lies not at the door of Opposition." Yes, sir, I admit they have failed in some memorable instances; but I insist that the Opposition have been the cause of failure. The people of the United States are a thinking, calculating people. They are accustomed to confide their interests to men of their choice, whose candor and veracity are not questioned by them. They will not go with the Government, unless actuated by the impulses of their opinions. It is not sufficient that the Government have declared war; they, too, require to be convinced of its propriety. With this general temper—and it is certainly one of the characteristics of free Government—look to the means which have been pursued by Opposition ever since war was inevitable. The leaders have excited the people to distrust us; "trifles light as air" were adduced and urged as confirmations strong as proofs of Holy Writ. Their favorite presses diffused the poison far and wide, but the antidote was never administered by them to the people. I will venture to predict that the ad-

dress of their leaders will prevent many of the people from ever hearing that the charges imputing the Russian mediation to the fraud and trick of the Administration has recoiled upon its authors. As soon as war was declared, these leaders entered their protest against it, in which they said that we had no cause of war, and impeached the motives of the majority who declared war. The clergy of these gentlemen's party responded to their accusations that there was no cause of war, and that it was an immoral and unjust one. Their Governors denounced us for "fighting against the land of our fathers, and the bulwark of our religion." They all proclaimed that Great Britain was fighting the battles of the world, and endeavored to enlist our sympathies in her favor. When we said to Great Britain, first do us justice before you demand our sympathy; do not attack America because you are fighting France; the partisans of England replied, you are under French influence. The citizen was dissuaded from entering into your army: it was said if he spilt the blood of the enemy in this war, he would become a murderer. When money was solicited on loans, a venerable gentleman, now a member of this House, said it would be wicked to lend money; he threatened, also, that the money would not be repaid—that the honor of the Government did not require a repayment. A most demoralizing sentiment, striking at the foundation of free Government: its basis is national faith, and he that destroys that, dissolves the Government.

I ask, sir, how stands the funding system? We all recollect the history of that nefarious speculation. The soldier's necessities, in the poverty of your Government, had compelled him to sell your scrip at 2s. 6d. in the pound. The speculator came with it into the Congressional Hall, and voted to give *himself* the full nominal value. The discrimination proposed, which secured to the soldier a part of the funded debt, and the residue to the speculator, was rejected, and he retired to the haunts of poverty and wretchedness to drag out the remainder of a miserable life—rendered miserable by the injustice of his country. Yet, with a knowledge of these facts, no man dared to propose extinguishing the debt thus created, but by an honest payment of it to the last dollar. This doctrine, which resolves the faith of the nation into the expediency of the measure that authorized the expenditure, was reserved for the pretended disciples of WASHINGTON, and its application to the payment of a debt created by the Government in its struggle to maintain the principles of the Revolution against the attacks of the same enemy who produced it.

Sir, the sinews of war are men and money. The Government appeals to the patriotism and interest of the people for those aids—they stimulate enlistments. The last, particularly, operates upon the money lenders; for, if it were patriotism alone that influenced them, they would not ask any interest, or at most six per cent.,

which is the general scale of legal interest; all beyond that, in legal acceptation, is usury. And, how can you expect that men who are induced by present interest, and ultimate security for the principal, will lend money, when the leaders of Opposition make them believe that they are sure of getting possession of the reins of Government soon, and will sponge out the debt?

These gentlemen say the people are against you, and that is in part the cause of your failure. When we ask why are they against us?—they say you prove yourselves enemies to commerce—you carry on an unjust, offensive war—you are unable to manage a war, and we prophesied your failure. Mr. Chairman, no prophets are so true as those who effect their predictions—none are so dangerous as those who endeavor to effect them; rather than be convicted of false prophecy, they would see their country humbled, its rights invaded, its liberties destroyed.

But how are the people against us, we ask? Have we had a new election since the war, and acquired increased majorities? Yes, it is answered, you have—but it was the force of party that sustained you. Unfortunate minority! the energies of party are always against you. You, that have every thing to gain by vigilance, are sleeping at your posts, while the great majority who apprehend no danger, alone are vigilant! You might as well tell me that the lamb is vigilant and the wolf sleepeth.

But we wish to destroy commerce—and by the constitution it cannot be restricted. This is a new notion. These sticklers for the constitution, during General Washington's Administration, authorized an embargo; to be continued, to be revoked, and renewed at his will, and to any extent he pleased; yet they deny us the power to pass a law definite in its object and extent.

Great Britain, we are told, destroyed our commerce; it kindled the fire of the Revolution: we resisted then, and we have the spirit and the means to resist now. I shall not reason as to this threatened resistance; it is too outrageous to be opposed by reasoning. Let treason rear its head, it will and must be put down though it have a thousand heads; and the very land where it is excited to overt acts, will furnish the means abundantly; they will give a new application to the favorite sentiment of its leaders, and they will prostrate the monster, "peaceably if they can, forcibly if they must."

Sir, the threat is idle; those who use it neither wish nor intend its execution; the commercial interests, which it is said were the strong advocates for the constitution, will not favor it for the same reasons that then influenced them. What is the course of trade and commerce in this country? The ship owners and navigators live in the North and East—I speak as to the great mass of them—the bulky products, the principal exports of the country, are from the South and West, and these products are carried to market by the owners of the shipping. Suppose, in a state of separation,

we gave England a monopoly of our trade, the transportation of our produce to a market, and the exclusive supply of foreign merchandise. I need not give you a picture of the distress and ruin it would produce to them, whilst I hazard little in saying it would not injure us. They know this as well, or better than we do; and if patriotism cannot bind them to the Union, interest will. Is it pretended that our efforts in favor of free trade proceed from hostility to commerce; and that the destruction of it by Great Britain before the Revolution was no more than we practice? Cannot gentlemen perceive the distinction between regulating commerce by a foreign nation, and by their own Representatives? If they cannot they are fit tools for despotism and unworthy of participating in the blessings of a free Government. A new species of complaint seems about to be set up—not that commerce is regulated by the Congress; but that men presume to do it "who never saw a ship through the medium of the eye." What, are we to be told we are unfit to resist the usurpations of England unless we saw the vessels and cargoes of our merchants captured and confiscated? Cannot we imagine the tyranny of impressment unless we see the prisoner in his dungeon? Will gentlemen take no part with their country against the cruelties of savage warfare, unless they see the scalplings and butcheries of our women and children? I should be ashamed of the argument, if one of our flat boats carrying a cargo of flour to New Orleans had been seized by the Spaniards when they owned Louisiana, and the crew sent to the mines—if one of my Western brethren had gravely told this House:—Gentlemen you cannot understand this outrage; it is idle and wicked for you to think it an indignity to the nation; therefore, it is improper for you to interfere in it, for you never saw a flat boat through the medium of the eye.

We are told, sir, that Massachusetts alone could have taken Canada, and this is a proof that the people are against us. It is proof of an alarming character when the energies of Government are so far paralyzed that the Union cannot effect what one of the States could if it were not for the Opposition. This, say the gentlemen, is all right; Virginia did the same; she invited the people to meet and resist the Government of the Union. Virginia has been often misrepresented on this subject; it is to be regretted that the facts were not better understood and respected in relation to her course. When the constitution had been infringed by the passage of the alien and sedition acts, Virginia addressed the States as parties to the compact, inviting their serious attention and constitutional co-operation; not to violate the constitution, but to give efficacy to the constitution; not to resist these laws by force and violence, but to effect a constitutional repeal of them, either by changing the representation in Congress, or by a manly remonstrance calculated to convince the Congress of the correctness of

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their opinions, and produce the consequent adoption of those opinions. And what was the conduct of the States except Kentucky? What was the language of the party, then, who now profess a regard for the example of Virginia? They denied the lawfulness of the course taken by Virginia; and denied it too not upon a question of expediency, which alone is involved by the act declaring war, as the power is not denied, but a question embracing a construction of the constitution. Gentlemen advise us to desist from our efforts on the land, as Great Britain cares not for Canada. Sir, they are mistaken, as the force there and the allusion to it by the British Government serve to show. Stop, say the gentlemen, your war on the land. Raise an army to defend yourselves alone—quit the soil where you have the power to conquer, and go to sea where the enemy's force is all-powerful; do all this, and we will aid you—after peace in one line, viz: "Peace is restored between the United States and Great Britain," and we will assist you. I answer the gentleman, we cannot adopt your advice to obtain your assistance in the defence which you offer in behalf of your country. "*Non tali auxilio, nec defensoribus istis tempus eget.*"

Mr. Chairman, we are now about to treat of peace, and the inquiry which each one puts to himself is, shall we have it? I say yes, because I sincerely wish it, and we easily believe what we wish. I say yes, because we seek it in the spirit of peace and justice. I say yes, because the only pretext which Great Britain had for refusing to make peace with us has been done away; and I will also say, if we fail to have peace, the Opposition will be the cause. The hopes of the Opposition for the possession of power, so ardently desired by them, depend on war alone in their opinion; and although I will not despair of my country by admitting that they can realize their hopes, even though the war shall continue for many years, yet Great Britain has been taught to believe this Opposition is a majority of the people; they have been repeatedly advised to discriminate between the people and the Government; and I almost fear they are deluded by these pretences; if so, it will require a seven years' drubbing to beat John Bull into his senses. It is said that the army is to be a paper operation, an idle threat, and Great Britain will not succumb to threats; so they were told in the Revolution; all then they said was mere threat, and they must fight us into submission. I differ with gentlemen as to the true policy of a nation at war whose views are sincerely pacific; while it offers the olive branch in one hand, it should grasp the sword in the other—not to threaten, for true courage disdains to utter a threat, but to show to the enemy that it is not impelled by pusillanimity and fear, to ask for the blessings of peace. Such a nation can make a concession if it please without infringing its honor; like a brave man, who extracts praise from his adversary by his actions, which if adopted by a coward would cover him with contempt. If we fail in the

peace mission, and the dispute must be settled by the sword alone, we shall be prepared for the worst, and, learning wisdom from the past, we shall be formidable indeed for the future; then "let Greek meet Greek," and in the mighty tug of war, the conquered will preserve his honor. Our war measures are dictated by the spirit of peace; we will go on in the career of peace, and if it be denied to justice, it will be yielded to force; we will fight for it, notwithstanding gentlemen refuse their co-operation. The plea of some is, that the Government have no capacity to conduct the war; by others, that they have not and cannot procure the means of conducting it. These arguments are at variance with each other. When they wish to prove the incapacity of Administration, they say the means within their control have been adequate, and misapplied. When they arraign them for extravagance, they tell you the force was inconsiderable. I have made inquiries concerning the number of men in the military service for the first year, with a view to correct the statement of the gentleman from Virginia (Mr. SHEFFER) as to the enormous cost of the army per man—and I find that we had

In February, 1813, 18,000 regulars	} average.
In December, 82,000 do.	} 25,000
12 months men, an average of -	- 6,000
Militia in that year, average -	- 80,000

Total men, - - - 61,000

Making the expenditure about \$300 each man, instead of \$1,000, as by the computation of the gentleman.

We are informed, however, by him that ten millions of dollars are due for Army expenses, and the gentleman pledges himself there are at least five millions due, because, as he says, the claims were deferred at the War Office from month to month, in consequence of a rule that limited the expenditure in each month to one million and a half; and hence, in the scramble for the money, many claims were postponed for no other cause than a want of funds, and are yet unpaid. Therefore, the gentleman says he has a right to insist that the expenditure this year will double the appropriation. Sir, I deny the statement of the gentleman in toto; and I feel authorized to assert that no legal claim, properly authenticated, has been presented without being paid; besides this, advances have been made for the recruiting service, and for the Quartermaster's department. The gentleman seemed to think it due to himself to specify some case, and he refers to the claim of Virginia, which, he says, is an equitable claim upon the Government. I concur in the opinion as to the character of the claim of our State. It is equitable beyond doubt, and the admission of the gentleman that it is not a legal one is fatal to his argument, because Congress must provide for it before the War Department can apply the law. Gentlemen are not content with refusing to us the means of attempting to get money; they

deny our capacity even if the means are afforded. They say the public land and improved lands of the country afford no basis for the capacity of borrowing. The capacity to borrow depends first upon the wealth of the nation, and secondly upon the ability of the money-holders. The first affords a security to the lender for the ultimate payment of his money; and the second, the means of borrowing. The second depends too essentially upon the first for its existence, for the wealth of individuals increases the wealth of the nation. The public land, therefore, may be fairly resorted to as affording this security, if it were not ample besides. And the improved land of the country is the substantial representative of the floating capital, as well as the solid wealth of the community.

The gentleman says we have resorted to oppressive measures to create a capacity to lend; we have compelled the merchants to abandon commerce that we may have the use of their money; that the farmers are told, because they cannot lend, of the value and importance of engaging in manufactories; and the merchants, because they can lend, that manufactories will be a losing business for them. Sir, the argument of my honorable friend (Mr. EPPES) has not been fairly treated. He said nothing like this. Speaking of the ability of the community to lend, he remarked, that the merchants would invest their inactive capital in the funds, in order that when commerce was freed from the impositions of decrees and Orders in Council, the merchants would be enabled to withdraw the capital thus invested, and employ it in its accustomed channel; that they could not, with equal facility, change its destination from objects of manufacturing employment, for the reasons he then gave, and they were certainly conclusive. My friend said nothing of the profits, but the investiture merely. As to the character of our measures, if it be oppression to prevent a treasonable intercourse with the enemy, or improvident shipments of property, which he will necessarily obtain, and which will materially strengthen him to annoy us, I admit the justice of the charge. I shall say nothing of the motive ascribed by the gentleman. He says Great Britain will get your stock to the amount of one hundred or one hundred and fifty millions, and this should be avoided. If the prediction were to be verified, I answer agreed. I have no objection; it will be a lien on their friendship, and will induce the wealthy men of the nation to desire a state of peace, and therefore to have justice done to us. The gentleman denies that such lending by British subjects will add to our capital. The argument he uses is a strange one—the position he assumed is not less so. The capital of the nation is cash, if you please; and we want a hundred millions, which the British lend us, and receive our paper. Is not the capital increased one hundred millions? No, says the gentleman, no money will be sent. How then, I ask, can they buy our stock, un-

less the balance of trade be against us to that amount? If the balance of trade be against us, we must pay that balance in specie, and it will be immaterial whether we send the dollars or the stock; so that it will add eventually to the amount of our capital by retaining the money if about to go abroad, or by getting money, if no remittances shall become necessary. It will draw out, says the gentleman, six or nine millions annually; this is admitted; but whenever an individual finds it necessary for the purposes of improving his estate to borrow money, he will add greatly to its value, although he must pay interest on the money he receives.

Mr. Chairman, gentlemen take great umbrage at the charge of "factious opposition" to Government; even when found opposing the wisest measures, which depend for their support on public opinion, and are maintained upon ground susceptible of demonstration; and they tell us the majority are a faction. Sir, the true definition of faction is not the spirit of the head but its members—a real majority cannot be a faction; there may be, by possibility, an accidental preponderance of a minority for a season, and if so, it is properly speaking a faction; but if we look to the examples of the wisest nations of antiquity, we find no instances of an actual majority combining or effecting the destruction of the country, which was always the tendency and result of faction. Greece, for example, under its head, was irresistible. But the factions began to operate on the members of the Confederacy; jealousies, intestine commotions, grew out of their intrigues, and the States were stimulated by Philip to civil war; and what the power of Xerxes could not effect by his armies when Greece was united, was produced by a factious spirit in the States, beneath which the grandeur and glory of the Republic fell. The example of Greece is fully in our view, and the same cause, the spirit of faction in the members, if it triumph over the patriotism of the people, will assuredly precipitate us into similar destruction. For the safety of my country and the last hopes of liberty on earth, I pray that this great national calamity may be forever averted.

Mr. JACKSON was followed by Mr. SHIPARD, of New York, who occupied the floor till the usual hour of adjournment, without concluding his speech in reply.

FRIDAY, February 18.

The Loan Bill.

The House again went into a Committee of the Whole, on the Loan Bill.

Mr. SHIPARD, of New York, concluded his speech against the Administration and its measures; the whole of which follows:

Mr. Chairman: If my honorable friend from Maryland, (Mr. HANSON,) as he observed, felt the task too great to follow the gentlemen who had so fully and so ably discussed the subject before the committee, I trust and hope that a re-

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collection of what has transpired since, as well as before he made the remark, will be a sufficient apology in the mind of the committee, if the argument should droop in my possession. If, sir, a genius that irradiates and embellishes whatever it touches, approached the great and momentous question with awe, surely you will readily pronounce a lenient judgment upon the exertions of the humble intellect that engages in this contest with fearful emotions; that from no passion to declaim, no vanity of public show enters the list, but from a deep sense, a solemn conviction, that the bill on your table is a measure replete with ruinous tendencies to the best interests of this once happy nation. Yes, sir, a sense of duty has constrained me to take the floor, and in the language of expostulation, to raise my warning voice against a measure calculated to produce evils the most dreadful. Urged by considerations so serious and imperative, I cannot be silent; and although I may give offence, which is not intended, perplex and delay, which is not my object, I shall invite, indeed claim, your attention while the opportunity is permitted, of contending for my country's interest, and pleading her cause.

With these feelings, I must be excused if I proceed, notwithstanding the danger of giving offence to the advocates of this bill. And, sir, before your attention is called to the question immediately under consideration, I shall ask permission to notice a few remarks, made on the Army bill, by a gentleman from North Carolina, (Mr. MURFEE,) whom I very much respect for his talents and integrity, and who in debate observed, if my doctrine was correct, and the nations of the earth should all adopt it, there would be no more wars; and because there would not be, inferred that I must be incorrect; and the strong emphasis used by that gentleman evinced the triumph he felt in a supposed victory over his antagonist, who had advanced opinions against usages on which depended the salvation of this country. Sir, the consequences drawn from my premises are admitted to be correct. There would be no more wars, if all nations adopted what has been stated by me as the only true doctrine.

And what then? Then, sir, there would be peace! Dreadful dilemma! What an unpardonable heretic the man must be that shall venture to maintain an argument in favor of principles, which are not only consistent with the precepts of the Christian religion, but, if adopted, would put an end to human butchery, and destroy the military profession altogether! I was not insensible of the risk which was run, in making the remarks that provoked the argument mentioned. It was expected that my observations would draw upon me the sneer and scoff of the sceptic, and perhaps the censure of men who maintain that wars are salutary, and tend to improve the condition of man, but it was not expected the honorable gentleman would have produced such an argument as he did.

Sir, I do most religiously believe the time is not far distant, when the clarion of war will give place to the voice of peace, and the arms of the warrior will form the ploughshare and pruning-hook of the husbandman; when the nations of the earth shall become brethren, and be linked in the chain of affection. Is there a gentleman in this House that could regret the approach of the happy time? Is there a benevolent heart in God's universe but would throb with joy, if the dawn of that propitious day was beginning to bless our world? Thus much for the argument of the honorable gentleman; and now, Mr. Chairman, you shall have my reasons against the bill on your table.

My opposition to that bill does not consist wholly in the idea, that it is avowed to be a war measure; but there are extrinsic objects which present themselves in formidable shapes, and which, I am of opinion, ought to prevent its passage.

First. By crowding the market in such rapid succession with loans—large loans—you cheapen the credit of your Government, and too obviously exhibit your poverty and dependence, and thereby produce a result much to be dreaded. The public stock will depreciate until the credit of the Government is ruined. I am much mistaken if this mortifying circumstance is not already in being, in some small degree, and which has arisen from the publicity of that bill.

While loans do not exceed the means of Government, stock, even at five and six per cent., is good property, and is subscribed for with avidity; but whenever it shall overleap the resources of the nation so much, that payment even of the interest becomes precarious, it is bad property even at twenty-five per cent.

Sir, no nation ought ever to borrow money beyond that sum, for the interest of which at least it can pledge a fund as security to the holder of the scrip, and out of which it will certainly be paid. By so doing your money is obtained at a low interest. These pledges of public faith are too much like your life-and-sacred-honor pledges; they afford no security to those who may wish or be interested in the performance, and on the whole are poor stuff; but if you ask for no more than can be secured, your stock goes into the hands of substantial capitalists at a fair price, and your credit is kept good. But, sir, go on in this way a little longer, with your laws to borrow, and the good faith of Government the only pledge, and men of capital will keep aloof from your paper; and if it sells at all, it will go into the hands of that class of citizens who are ever ready to risk, not their capital, having none but their personal responsibility, by buying in, below whatever is hoped may rise to par. Can gentlemen feel willing that the public paper shall be bandied about through the hands of unprincipled men, whose touch contaminates, blights, and withers? The bonus to be given for this loan is not limited; it is left to the discretion of your agent. He may

sell your stock at a discount, which, of itself, would be proof of bankruptcy. There cannot be but one consequence of such improvidence—the ruin of your credit; and if gentlemen expect to continue the war, and satisfy its exigencies, by tempting the cupidity of Jews or note-shaving speculators, by giving eight, ten, and perhaps fifteen per cent. interest, or if they expect to borrow of those who borrow of the banks to lend them—borrow at low to lend on high interest—they must also expect that their war will be short; and, short as it may be, longer than the resources which are to supply it with means. And if any one expects a favorable result, he must feed his imagination on dreams that will never be realized.

Say what you will, sir, of the soundness of public faith and honesty, let the public be deprived of the means of paying, and how will their creditors be satisfied? They will not take their pay in public faith. Honesty, however valuable with means, is of no importance to the creditor without. Money lenders wish “to touch something solid.” Give them a guarantee, and you save the bonus; you save your credit; you save every way.

Should this bill pass, sir, and your stock not be purchased at all, the public credit would suffer extremely—the stock of the other loans will sink to the ruin of the owners. Well, sir, is there no danger of such an event; or do gentlemen flatter themselves that they can go on forever borrowing money, without a cent to pay it—without any fund from whence it can hereafter be drawn? If they do they must be disappointed; high interest must lose its influence where there is great danger that neither that or the principal will be paid. There is another evil much to be dreaded from these loans, bottomed on public faith. If they are taken up they endanger the banks; this effect has already been produced with those from which the money for the former loans was drawn; distrust excited vigilance, and hence the specie of the Union was suddenly put in motion. Let one bank of extensive business fail, and the whole moneyed world would tremble like an earthquake.

It is said we can pay the interest of our loans, and the principal may lie unpaid for a long time. By what means, sir, is this interest to be paid? Your commerce, from whence you derived a princely revenue, is no more. With your wars, non-intercourses, non-importations, and embargoes, you have dried up the abundant sources of income. It is true, notwithstanding the silly, unnatural and ruinous experiments which have been made with the commerce of the Union, by the vigor of its constitution, by the abundant strength it had acquired under Federal nurture, although smitten and wounded, it still was enabled to feed the mouth that traduced, and fill the hand that smote it. The last bold and deadly blow has ended its existence; all hopes of revenue from this once productive source must be aban-

doned; our last suicidal act has accomplished the great object—not of starving the enemy, but of impoverishing ourselves.

England, say gentlemen, borrows money, and yet their credit is not impaired. Yes, sir, England borrows money without jeopardizing her credit; and, if we would learn wisdom by example, we might do the same. Too proud to copy, we prefer a new policy, although engendered in moon-smitten brains, to the old, which experience has consecrated. England cherishes her commerce, and, in time of war, so far from abandoning, she doubles her patronage, convoys her vessels to the most distant climes, bestows every needed assistance, and as a remuneration, the Governmental coffers are filled with money. We might have done the same, and we, too, should be amply indemnified. But no, we will only imitate England in her worst examples—examples of folly—and instead of adopting those which would have a beneficial effect, in order to make all of a piece, we must have all wrong.

Will gentlemen venture a system of taxation, commensurate with the constantly accruing claims for interest and instalments of their numerous and large debts? Sir, the people will not submit to the unusual and oppressive burdens which taxation, equal to the object, would impose. They will seek in vain for a cordial compliance with such heavy requisitions, in the patriotism and loyalty of its citizens. Such expectations from a free people, long exempted from burdens, must arise in a mistaken opinion, that the patriotic spirit which animates the body politic is superhuman. I do not mean to doubt either the patriotism or loyalty of my countrymen in a reasonable degree; but I beseech gentlemen not to calculate for too much.

Love of country must and will depend upon the reciprocation of benefits by the rulers of the country. Do well by your citizens, if you intend to obtain a prompt and effectual support. Prove, sir, by your measures, a sincere desire to perpetuate the blessings of liberty, and protect the interest of your country, and you will then find in the affectionate liberality of the people means to answer all the exigencies of Government. You may for a while delude them, and by your slight of hand, your legerdemain, impose upon the understanding of the majority, but the moment your trick is discovered, you must be treated like other impostors, with their execration, if you venture to deceive them.

Let us now, sir, suppose our means to secure the payment of all these loans were ample, and thereby our credit was at par; where can be the policy of loading, not only the present, but unborn generations with debt? If we profess so much patriotism, let us evince it by our practice, act like wise and prudent politicians, sagaciously regard the high trusts the people have placed in our hands for themselves and their posterity. Let us beware we do not attach to our memories the curses of those who are to follow

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us. The baneful effects of these indiscreet acts may be felt for centuries, and honesty and common philanthropy forbid experiments prejudicial to the interests of the future men of the Union. Sir, we are loudly admonished to hesitate and reflect well before we plunge down the precipice. As we value and would cherish the union of the States, cling to the constitution, and preserve the country from revolution and civil war, it behoves us to avoid loading the nation with debt. The example of Great Britain would be dangerous to follow in this respect; the different nature of her Government renders those examples hazardous to be pursued. The unity of her Government, its consolidated strength, enables her to bear vastly more than this nation will ever consent to stand under; divided into separate States, any four or five of which might form a General Government, only load the people, until they stagger with the weight, and they will throw off their burden and seek their emancipation, by cutting the bands which, though once pleasant, will then be thought intolerable. And, sir, the debt will be more odious when the inducements to create it are remembered. It requires but common sagacity to perceive, that when the factious necessity of loans and taxes shall be discovered, the enthusiasm of the moment shall retire, sober reflection resume the stand, that it will be known with what prodigality the money of the nation has been lavished, and how causelessly it has been involved in debt. The people must sooner or later learn that the surplus fruits of severe labor will be required gradually to diminish that debt. An elevated sense of justice and moral obligation alone will then induce them to drudge on through life, deprived of the comforts, luxuries, and elegancies, to cancel the obligations of folly, and redeem the pledges of profligacy, made in the delirium of resentment, and goaded on by the thirst of revenge, for injuries which existed more in the heat of dis-tempered fancy than in reality; more especially as it will be known on what disadvantageous terms the debt has been contracted. Certainly, sir, if we dispassionately examine this subject, we shall and ought to fear that the people, rather than be doomed, with their descendants, to pay what was at least indiscreetly contracted, will barter their Union for a release in full, and abandon their creditors, obligations, allegiance, and Union, by one bold stroke.

Mr. Chairman, if all that has been said is unsubstantial, yet there is another ground which certainly is tenable; and although the reasons which may be offered shall fail to convince the advocates of the bill of their error, they will at least leave the consoling impression on my mind that they ought to convince; and, therefore, I have discharged my duty in offering them to the committee.

This money, if borrowed, is to be appropriated to the further prosecution of an unjust, impolitic, and unhallowed war; if, therefore, I had no other objection, I could not vote for the

bill consistent with my feelings; and I design to vote for no measure which is avowed an auxiliary to the war.

Mr. Chairman, possessing the feelings and views of this subject that I do, I need not examine the causes of the war. On a former occasion, I attempted to prove that no cause could justify an offensive war; be the cause, therefore, what it may, I will not lend my aid to continue its prosecution. I shall only here remark, that the principal cause alleged ceased directly after the war was declared; when the news arrived, the people flattered themselves with deceptive hopes, that the Administration, being governed by the principles that generally actuate public men, would have put an end to hostilities before much blood was shed. But as one cause is taken away, another, which was esteemed of far less consequence, is made to possess vast importance. The impressment of seamen is now, as has been almost from the beginning, the ostensible cause of hostilities. Here, sir, I wish to be understood as saying, that in every instance where our native seamen have been impressed, I join the minority in pronouncing the deed execrable, and the perpetrators or abettors deserving of severe punishment. And as much as any man, I feel the strongest indignation towards men so lost to a sense of humanity and common justice. I have before said, and now say, if the evil exists, the Government have been remiss in omitting to provide a sufficient maritime force to convoy our vessels, and resist the aggressions. However, let it be remembered that the British Government pretend to no such right; they justify no such conduct in the subjects of the King; and if gentlemen on the other side are accurately understood, the war is continued for no such cause. The bone of contention is the claim on the part of the enemy, to take from merchant neutral vessels, in time of war, their own subjects, whether naturalized in a neutral country or not.

For those seamen are we fighting, and I am happy, on this part of the subject, to have the authority of an honorable gentleman from Virginia (Mr. JACKSON) to assert, that few indeed must be the number which has cost us much calamity, much suffering. That gentleman frankly admitted that few seamen were naturalized in this country; the nature of the case proves the correctness of the statement of the gentleman. Foreigners must reside in our country five years before they can become citizens, and seamen are not in the habit of residing on shore. We ought to presume that but few are naturalized, and still fewer, of course, are impressed.

This consideration most indubitably proves, that if the error was truth, that we are bound to protect such citizens on the ocean as well as by land, and avenge the invasion of their rights; that but very few of that description of seamen have been impressed. Admitting, however, that the number was much greater, the question

then occurs, are we under any obligation to protect them, when their allegiance to us ceases beyond our jurisdictional line? Protection and allegiance go hand in hand, and who will pretend that a sailor on the ocean, or in a foreign port, owes allegiance to our Government? Whoever does, pretends without reason. The right to emigrate is warmly contended over the way. If a subject of a foreign prince has a good right to emigrate from his native country, *a fortiori*, he has a good right to emigrate from his adopted. If he can come here and be naturalized, and temporarily at least lay aside his native allegiance, no one can with reason deny his right to go back and resume it. If so, what becomes of this more than native allegiance? Sir, the position contended for by our Administration will not bear the touch of reason or argument. I understand the laws of nations to interdict expatriation; and although a subject may emigrate, he nevertheless is under obligation in time of war, if required, to return to the country that gave him birth. This is a right claimed by all civilized nations, and probably not disputed, until it was found to be a convenient subject of controversy with Great Britain.

Sir, I shall leave the further discussion of this question to other gentlemen, or to another subject, and shall only say, it appears very foolish to contend for a principle, which, if we could now compel our enemy to acknowledge, would be planting the seed of perpetual wars between us and the commercial nations of Europe, and would, in other respects, be sadly against our interest as a navigating nation. But the European nations will never be flogged into a belief that we are right; they know their own interests too well to yield to our demands; we must, therefore, either abandon this Executive phantom or doom our country to everlasting hostilities. Nothing can discover a more deranged state of the public mind than to see native American blood flowing to defeat the legitimate claims of a sovereign to his subject, and to maintain principles which I should much regret to see settled as a part of national law.

If our adopted citizens stay within our territory, it is admitted we are bound to protect them, and, by the act of naturalization, they are entitled to participate in all the blessings of our free Government; but if they will risk themselves on the ocean, where all nations have an equal common right, they must, and ought to expect, to take care for all consequences, whatever they may be. If we are to protect them there, the naturalization law will be a sore thing to us. Rivers of native blood, and millions of wealth, must be wasted to protect a few score of men, whose services can be but of little value to our country—men who, for a better price, would abandon us on the first fair occasion. It cannot be denied, that a vast portion of the foreign seamen have obtained protections as native Americans, by the perjury of their companions, and for such men our coun-

try and its citizens must be devoted—immolated.

Now, sir, let us inquire who are the men that most loudly complain for the violation of "sailors' rights and free trade." Merchants? No. Those concerned in navigation, the only employers of sailors? No; but men who rarely ever saw a ship or sailor. These men, who have not, nor ever will have any concern with foreign commerce or navigation, not only feel the most aggrieved by the impressments, but, strange to tell, they seem to know much more about the number and circumstances of the impressed, than the very men who own the ships and employ the hands, and we are considered guilty of a barbarous incredulity if we doubt the testimony of those gentlemen, when opposed to the evidence of men who employ the sailors, and who live in the great commercial cities of the Union.

Gentlemen from the interior possess amazing tenderness—they profess to feel a melting sympathy for their sufferings, and burn with indignation to avenge their wrongs, while the North and East, who employ nine-tenths of the sailors of the Union, are so hard they cannot feel for, and so blind they cannot perceive those mighty wrongs and agonies so pathetically described on the other side, of the suffering sailors kidnapped by the unrelenting Britons. There is good reason why they neither feel nor see. The evils complained of exist chiefly in the distempered imagination of party zealots, are seen with jaundiced eyes—hence, men with good sight and cool heads are not beset with these phantoms.

Mr. Chairman, I have pointed out the men who are fighting for "free trade and sailors' rights," and I have shown you the men whom gentlemen charge as being the enemies of both. Who are the former? Men who have no immediate interest in the subject of controversy. Who are the latter? Men who have acquired the support of themselves, their very subsistence, their wealth, by ships and by sailors. The former must have no experimental knowledge—the latter perfectly acquainted with every minutia.

The very sailors, sir, for whose grievances you continue the war, I venture to say have been, and still are opposed to your policy. They, like other men, must regard their interests, so far as to value the services from whence they obtain a subsistence. They can have no greater fancy for a system of starvation than other men. It is true, in profession, you are securing to them important rights; but in practice, you are annihilating the occupation for which they are only fitted; you have "taken away that on which they live;" you have robbed them of their bread. Before the war was declared, before any of those abominable restrictions which have maimed, crippled, and annihilated our navigation, were fastened upon it, the sailors whose interests lie so near the hearts of the majority, notwithstanding the

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dangers of impressment, had not the least inclination to abandon the ocean; the high wages allowed them all the support, all the affluence, the heart of a sailor desires—food, clothes, grog, and tobacco. How is it now, sir? in redressing their wrongs you have destroyed their rights. They have been, and still are, compelled to pine in want on your shores, live on charity, or seek that employment and subsistence, which their country has denied them, in the vessels of the enemy; yes, sir, thousands of the very men whose supposed injuries have produced such calamities to this nation, have sought employment from the nation whose barbarity, as pretended, fills the sailor's heart with terror and dismay.

You will perceive, sir, the effect of your officious benevolence to the American tars; you must perceive the melancholy fruits of your overweening fondness to intermeddle with a concern you neither understood nor regarded. There is no fiction here; the facts are true.

Can you, then, sir, wish any stronger evidence of the impolicy of your measures than to see the foundation of your resentments pronounced—practically pronounced—fictitious?—the merchant struggling, notwithstanding restrictions, to gain the element where the Government pronounced his interests in jeopardy, and preferring the risk to the safety you tender him? The sailor, whose cause it is said we are fighting, seeking protection, employment, and support from his despoiler?

Sir, who can be so blind as to believe your professions sincere? that you have laid your restrictions upon commerce from a friendship to that commerce; that you have declared war from a sincere desire to benefit the sailor, or the employment by which he lives? Experiments are not green; gentlemen must have learned the baneful effects of their policy long before the war was declared, and the opinions of men who best know, and are most interested in giving correct information.

It is a truth, sir, no one can contradict, that the party in power have ever been the foes of commerce, navigation, and all their appendages. From Mr. Jefferson down, the benefit of abandoning the ocean has been constantly urged. Long have they contended that our true policy consisted in leaving altogether the carrying even of our own productions to the carriers of Europe, and become terrapins. Indeed, the object was entertained with so much fondness by the late President, that in the raptures of prophetic vision, his strong passion burst forth while describing the glorious day "when the planter and manufacturer should be seated side by side." And, sir, this pleasing mania is by no means confined to that great inventor of modern *hydrophobia*. The last Message of the President to this House at the opening of the session, after recounting the splendid victories and splendid failures of the last campaign, congratulates us upon one glorious advantage gained by the war, that the people have been driven

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from commerce to manufactories; that our losses and disasters are overbalanced by this acquisition. This, although not a literal quotation from the Message, is its only obvious meaning.

An honorable colleague of mine (Mr. TAYLOR) some time since availed himself of this text, when speaking of the army bill, and delivered us a comment upon it to enforce the truth of the President's statement. I need not multiply proof that the party in power, from the beginning, have been the acknowledged foe of commerce and navigation. What blind infatuation, then, must bewilder the mind that can believe this war was declared to maintain "sailors' rights and free trade!"

To rebut the proofs of the impolicy of Democratic measures derived from the opinion and practice of merchants, it is said there are no patriots, but, their affection fixed on their money-making business, their hearts and feelings are not warmed with the generous patriotic glow, and therefore their testimony is not to be relied on. Well, sir, if this was really true; if patriotism is a plant of such rare growth that it cannot flourish but near the heat of a tropical sun, or far removed from the blighting sea-breeze; if our merchants of the North do not possess this inland, sun-burned patriotism, yet they have some regard to their interests, and from those interests we are to expect a correct statement. If measures are to be adopted for their benefit, nothing can be more fit or natural than that they who best know their interests, and who will declare the truth to promote them, should be consulted, and their advice adopted. Learn their interest, and you learn the interest of the sailor and of navigation. Who, then, sir, but perceives the counting-house to be the most authentic source of information? To that ought the Legislature when about to enact laws on this subject to resort, and from thence obtain the fruits of experience, opinions founded on practice, and lay aside the visionary theories that haunt the brains of political innovators.

Much as gentlemen may boast of their love of the sailors' and merchants' rights; much as they contend for "free trade," the whole have suffered more loss and privation from those laws, enacted professedly to protect their interest, than they would have done for half a century from the British, adopting the periods of the greatest spoliations as the data of calculation.

Mr. Chairman, I shall vote against this bill for another reason. It must be unsafe to intrust in the hands of men who have exercised their powers with the most palpable partiality towards the two great belligerents; whether this has been done with good or ill intentions, need not now be determined. It is sufficient for me if so is the fact. To be sure I have formed an opinion, but the argument requires not that it should be expressed.

When the war was declared, the wrongs for which we are fighting England existed unre-

dressed against France, in a much greater or more aggravated degree. Their decrees, which had made such merciless havoc among our vessels and sailors, it is true, were repealed, but no atonement, no reparation, had been offered or obtained for the injuries they had produced. If war was necessary against England, why in the name of justice was France exempted from the vengeance of our injured, despoiled, and insulted people?

Need I mention the decrees, by the authority of which our property was confiscated, because the vessel had been spoken with by the British? Need I mention that unprecedented outrage of all principle and right, a decree made with an *ex post facto* sweep, so as to catch in the infernal net of confiscation a large American fleet, in the ports of France, of immense value? Need I mention the impressment of our seamen, burning of our vessels, imprisoning and starving their crews, by the French? Need I mention the insulting letters of the *Duc de Cadore*, a *Turreau*, and others? Need I mention the shameful concealment of the repealing decree, until it was well known in France, that we really designed to declare war against Great Britain? These are all old and well-known truths, but they are no less applicable or authentic on account of age or publicity. They still exist as truths, and they still speak a language which cannot be misunderstood. From all these facts, sir, an inference results as certain, as conclusive, as the demonstration of mathematics. It is in vain to attempt giving any other construction to such prominent, indubitable transactions. Conviction flashes from them to the unprejudiced mind, and they speak a language too loud not to be heard, too plain not to be understood; sophistry and quibble lose their wonted efficacy when opposed to demonstration so perspicuous, so cogent.

It must create some surprise that gentlemen can acknowledge (and many if not all of them do acknowledge) the existence of these outrages, and yet argue or pretend that the conduct of Government has been fair and impartial.

If England had really been guilty of all the crimes imputed to her, it is too evident to be denied, that France was incomparably more guilty. I challenge gentlemen to show an instance of British aggression to be compared, in turpitude, with the French burnings and confiscations; or, insult in the whole British diplomacy, for unblushing impudence, to be compared with the letters of Champagne, Cadore, and Turreau. Why, then, I again ask, should we discriminate? There was no justifiable cause. With France we had a treaty, which was violated; with England, none.

If the Government honestly believed it was good policy to spare France and fight England, why has France been spared on paper? We have too many samples of the ability of the Administration to scold, to believe its silence in relation to the numerous and continued injuries and injustice she had done us, originated in any

want of capacity to complain, and denounce with skill. Yet it is a fact that these enormities and insufferable outrages have passed in complacent silence, save now and then a gentle murmur breathed in suppliant tone, by our Ministers to his Imperial Majesty, or now and then a sentence from the palace to this House.

It is a truth degrading and disgraceful to the American Government and nation, that the same Messages which have been replete with *anathemas* against England, have contained but a single short five-line paragraph, and that "soft as the kindest note of love" against France: "That she had not in every respect behaved quite as she ought to, but all would be arranged agreeably to our mutual wishes, and shortly the two nations would be on the best terms of amity." Or that "The Emperor had gone to his wars, and of course no opportunity had yet offered to settle the little difference between us." This is the kind of complaint, Mr. Chairman, that for many years past has been made against a nation from whom we were enduring every wrong which it had power to perpetrate.

But, if possible, let us suppose all this had been done by our Government from the best of motives. It will not be denied that the declaration of war against England was calculated, if not intended, to aid France in the great career of universal dominion. The nations of Europe had bowed to the monster, wore his chains, or were fascinated by his spells. The "fast-anchored isle," alone faithful to her own and the liberties of the world, was then, as appeared to human sight, "the world's last hope." And the declaration of war must necessarily tend to take away that.

It could not escape the perceptions of the advocates of the war, that if we were capable of weakening England, we should strengthen France. Every blow we gave her was a blow to promote the slavery of the world. It in reality, sir, was forming an alliance with the French Emperor. We were doing all he asked. Only fight his battles, and he would consent that we should give a name to the relation in which we stood. The practical effect, and not the name, was important in the mind of the tyrant. This objection, if alone, was sufficient to prevent a declaration of war against a nation who had stood single-handed the shield of mankind; and at that time the power and attitude of Bonaparte threatened subjugation to the civilized world. The British fleet seemed the only barrier to check his progress in his ambitious and sanguinary career to a despotism of the globe. For it will be remembered that then the Emperor Alexander had not hunted him from the regions of snow; had not chased him with scorpion whip, in disgrace and dismay, back to his country. No, sir, he had not; but if he had, confident I am that this war would not have been declared.

I am sorry to say, sir, that I do believe, not only too friendly an intimacy with the Emperor

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Napoleon, but a too severe resentment against Great Britain, contributed to the unhappy state of our country. I do fear, sir, that this war owed its existence more to the inveterate ill will of the Government to the enemy, than any sense of wrong which we have suffered, or disposition to obtain justice for this injured nation. The conduct of the ruling party, their language in and out of office, has ever bespoken the most irreconcilable hatred towards that nation.

I need not produce cases where the unfriendly feelings of the Government have been manifested. For since the party came into power, the Executive acts of the Government, the debates in the Legislature, and the laws of the Union, have kept time with the malevolent notes of his Imperial and Royal Majesty. Every attempt at negotiation has been but an attempt to convince England how detestable she appeared in the eye of the American Government. I need, sir, only refer you to the palace messages, to debates on this floor, to the State papers in your library, for evidence enough to conquer scepticism, and prove what riveted detestation of the English nation occupied the heart of the government.

The British Minister, Mr. Jackson, was immolated to Executive prejudice before he reached our shores. He was insulted afterwards, and driven from his diplomatic station with absolute rudeness.

The same Cabinet, which but just before could tamely crouch under a load of insult from the French Minister, became of a sudden electrified with resentment of a very furious kind at some little insult of Mr. Jackson, who was then accused of misplacing his words, notwithstanding the difficulty was so trifling, that the critic's eye has since sought, but sought in vain, to discover it.

The Henry scheme was another instance, not only of ridiculous pusillanimity, but evincing the avidity which the Cabinet entertained to seize at every circumstance that could be used as an occasion of crimination against the British.

Although this miserable project, which could not spring from a *sane* mind, failed to excite any feelings but contempt for the projector, it no less proves how much prejudice may derange a mind which once had some pretensions to knowledge, and the incorrigible nature of that hatred which shall induce a man to attempt the destruction of a gigantic antagonist with straws.

So open and boisterous has been the resentment of gentlemen on this floor, that no one could doubt the design of the Government ultimately to have a rupture with the British. And one gentleman in the warmth of his malevolent zeal, invoked "the red artillery of Heaven." For what use? "To unmoor the fast-anchored isle." Pious wish. To engulf in the ocean a whole nation—for what? Because they were British subjects. There was no other cause. And, sir, permit me to say, the gentleman but

echoed the language and bespoke the feelings of the ruling men of our country. Such is the deadly hatred that rankles in their bosoms, they would impiously court the weapons of Omnipotence to gratify their vengeance. And why, sir, all this hatred against England? A nation who has done more to enlighten mankind, to encourage the arts and sciences, and disseminate the knowledge of the Christian religion, than all the world besides. By the pious enterprise of those people "the solitary places have been made glad, and the wilderness to blossom like the rose." The ambassadors of the Redeemer have been encouraged and supported by the English missionary societies to carry the Gospel among the worshippers of *Brahma*.

Is it, sir, nothing to us that we descended from them, speak their language, have adopted their religion, from them drawn our maxims of jurisprudence? Is it nothing to us that their Government secures the liberty of the subject, and the uprightness and talents of their courts of judicature, his rights? Is the similarity of manners, customs, and pursuits adopted here, to those adopted there, nothing to the American people? The constitution we all unite in commending, most evidently was drawn in imitation of the British.

With all these inducements to a good understanding, and with the adoption of the amazing value of British commerce to us, strange as it may seem, they are the last nation on earth whom we should favor, and the first in the implacable hatred of our Government.

England has her faults—great faults—for them I am not her apologist. When criminal, I would neither excuse nor conceal her crime. But, sir, the honest mind which would condemn her vices will commend her virtues; and although now an enemy, we owe her justice—to withhold it, argues a degenerate soul.

For these remarks I may be represented by some lurking fiend of a "Tyro" as a British partisan, but whether so or not, I shall be bold to declare the truth. Thank God, the taste or feelings of the majority cannot by law govern mine, and I am left free to judge for myself; and while I shall not seek to give offence, I shall by no means stint the truth, lest men who profess to believe no man a patriot unless he hates and detests Great Britain should be offended.

I fear, sir, the hatred of England and attachment to France originated from one cause—in the vile principles of a Voltaire and Godwin, and the whole illuminated fraternity. Principles which have been wasting the nations of Europe, since the French Revolution, and which have too long trampled over the virtues and piety, and consequently the happiness of the American people.

It is avowed by gentlemen over the way that a conquest of the Canadas is one inducement for continuing the war. On a former occasion, sir, I had the honor to address this committee,

in opposition to any further attempts to accomplish any object attended with so much peril. Permit me now to say if you had the Canadas, if we could show ourselves capable of conquering this people, I fear we should pay too dear for a trifling object at best.

A gentleman from Pennsylvania (Mr. INGER-SOLL) observed, that Canada must be conquered for the glory of the achievement. Sir, there can be no glory if you do the deed. Does the gentleman pant for such cheap glory? A nation of eight millions, and the descendants of men who in a mighty and truly glorious struggle, bearded the British Lion in person, and wrested from his paws our infant Independence, and hunted him foiled and dismayed from our shores! To deserve fame, we must do more than conquer the Canadas, the whole population of which is less than a sixteenth of our number. If, sir, the gentleman wishes to ennoble his country by great military achievements, and spread a lustre over this epoch of her history, why not march at once to the mouth of the Lion's den, clench him by the mane, and drag him forth to slaughter? If he can do this, and fame is worth fighting for, the end would then be attained.

Only invade the island of Great Britain, march through the country, and compel the kingdom to submit to your superior strength, and our nation then will make a figure in the history of battles.

[Here, on motion of Mr. NELSON, the committee rose, reported progress, and obtained leave to sit again, and the House adjourned. The next morning Mr. SHERRIN proceeded.]

Mr. Chairman, with much pleasure I pay the tribute of thanks to the committee for their vote yesterday, to rise at a time when I was exhausted. By so doing, they have afforded me the opportunity of pursuing my remarks, refreshed and invigorated. Particularly would I express my gratitude to the honorable gentleman from Virginia, (Mr. NELSON,) for the motion to rise; perceiving my strength much impaired by fatigue, he declared himself governed by this motive, to give me time for any farther remarks I should wish to make. Sir, this motion and the motive which induced it, was truly honorable. It was what might be expected from that gentleman, whose magnanimous mind disdains a mean advantage over an antagonist. He therefore acted like himself. It is the degenerate soul that would steal a victory; the noble mind wins it.

Yesterday, sir, when the committee rose, I was observing, if national glory was the object, it was not to be obtained in the conquest of Canada. Permit me now to observe, sir, if a wish to compel Great Britain to give up her claims of impressment, as is most probably the design of the Government, the conquest of Canada would be equally futile; for you would be no nearer the consummation of your wishes than you are now. Sir, Great Britain is not conquered if the Canadas fall, and you have

done nothing even then towards conquering of her.

A nation omnipotent—for a gentleman on my left from Louisiana (Mr. ROBINSON) really declared that she possessed the most of the West India Islands—in alliance with nearly all the Continent of Europe; pursuing with her allies the most splendid victories the world has ever witnessed; with her forty millions of black inhabitants in the East Indies, and a thousand armed ships upon the ocean, will not submit as conquered, if we should obtain possession of the Canadas. This powerful nation, who holds the destinies of Europe and the trident of Neptune in her hands, who at no period of her history ever had the fame, the power, or the friends, as at this time, will not give up an *iota* of her pretensions, because a speck of her dominions may be for a time wrested from her. If all Europe combined could not make her yield, what ridiculous expectations must we entertain if we, for a moment, flatter ourselves that she will now yield to us that trident of the ocean, when all Europe are her friends? Before she would do so, sir, she would meet you on the banks of the St. Lawrence, with a mingled army of Sepoys from the East Indies, with the subsidized Tartar, Coesack, and Muscovite; the Swede and the Prussian; the Spaniard and Portuguese; the African from his native coast and the West Indies.

France, with whom she has been long contending, and for which contest her armies have been necessary, is now driven within her ancient limits. Spain and Portugal are emancipated. They have broken the tyrant's chains and are again free.

England can now send her armies to Canada, and were the two provinces in our possession, they would compel us to surrender them, or we must wage perpetual war.

Sir, do gentlemen believe that that proud nation would consent to make peace while Canada was in our hands by conquest? Is it thus they have learned the British spirit? Let gentlemen look into their own hearts before they form a definitive opinion on this subject, and then determine if we were invaded and a State taken from us, whether we would make peace, until it was either regained by force or restored by consent?

But other motives induce gentlemen to wish for the Canadas. The Indians, say they, are perpetually annoying our frontier, and if we had them, this great evil might be remedied. Sir, do gentlemen believe that the extending our jurisdiction over that country would tame the spirit of the savage, and make him contented to cultivate the arts of peace? I fully believe that those children of nature will continue fond of war, until their minds are enlightened by science, their hearts softened by religion, their conditions meliorated by the improvement of arts. It is idle to believe that in their obedience to law, you will find security for their peaceable behavior, even if you had

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the country where they live. Depend upon it, sir, while the savage spirit remains, they will have war; and if two contiguous tribes will go to war with each other, there can be no safety or security to us, in extending our jurisdiction over the wilderness they inhabit. Do gentlemen discover what should prevent their retaliation of injuries upon our people, who may reside near or among them? Injuries will ever be offered them by the whites; that has been the case perpetually, since the first settlement of this country by Europeans. They either have been unjustly treated, or they suppose they have, and whether one or the other, will equally tempt them to unsheathe the scalping knife.

Revenge is a law with them, and they will ever seek this kind of redress for injuries: and this is not confined to themselves, but is handed down—the son fights to avenge the blood of his father, or the grandson his grandfather, or the descendant his ancestor. Think you then, sir, if we had this vast wilderness, the residence of the numerous tribes which are now formidable to the frontiers, they would want motives to butcher the inhabitants who should live near them? Sir, I cannot but think it would increase, rather than diminish this great evil.

If you obtain their country by conquest, you fix in the savage breast an hereditary feud, which may continue we know not how long. It is a far-fetched argument to my mind, that you produce a peaceful, quiet spirit in the Indian, by tearing from him his country by force of arms.

Another reason is given by a gentleman from Tennessee (Mr. HUMPHREYS) for conquering Canada—it would be convenient to us to have it. Yes, sir, and it would be very convenient for the Canadians to have the United States; it would not only enlarge their territory and the riches of their King, but would prevent us from molesting them; and, sir, permit me to say, they are as justly entitled to the United States as we are to Canada; and they have as much reason to seize our country, to prevent our incursions, as we have to seize theirs, to prevent the incursions of the Indians.

The only difference between us in this respect is, that we have the most power; and shall we, from the mere circumstance that we are able, unjustly despoil any nation, savage or civilized? God forbid! Honesty is the best policy, and "righteousness will exalt a nation;" rapine and injustice will depress and ruin it. In my soul I loathe and abhor that avaricious spirit, as well in a nation as an individual, that covets all the wealth, convenience and territory which is in sight. It is the base offspring of low-minded selfishness, and degrades man even below his fallen state.

And shall a nation whose country has been denominated "the asylum of oppressed humanity," who boast of their love of justice, and sacred regard for the liberties and rights of man, avow a principle which would degrade

the Hottentot? No, sir. Let us exemplify by practice, that it was not in vain our country suffered so many privations, to erect here the temple of Freedom, and when our constitution was finished, we held it up in one hand to the admiration of the world, and in the other the olive branch, as a token that we would never violate the principles of the former, or for ambition and avarice stain with blood the other.

Why that burst of execration from our lips, at the foul deed of conquering Poland, if such deeds are harmless? It would require nice discriminating intellects to distinguish between the turpitude of the two cases.

The conquering powers there forgot right and humanity, in the plenitude of their powers; and had we power to take Canada, and did it to suit our convenience, we should be guilty of the same abominable outrage upon the principles of common justice; and much as the Indian is condemned for coming on our land, and murdering our citizens, it is no more criminal than for our people to go there and murder the Indians. The life and property of the savage are as sacred in the sight of God as the lives and property of the citizens of this country. If there is any difference we are the most criminal—on account of our superior opportunity to learn justice and humanity.

The Indian, from his infancy, is taught that revenge is a virtue. The religion of the Messiah teaches us that it is abhorrent; therefore by how much more we know our duty, by so much more we are guilty if we depart from it.

Mr. Chairman, there is still another objection to the war. You are about to raise nearly seventy thousand men; for what? To defend your soil? No; but to invade the soil of your neighbor. The whole of these men are to be placed at the control, to obey the nod of a single leader. Who that leader will be is not known. Confident I am, he will not be a Washington, a Greene, or a Hamilton. They are no more; and if their mantles have fallen upon any of their survivors, no one of those survivors has been invited or induced to take the charge of our armies. The conducting of the military operations has, as yet, been chiefly placed in the hands of men who have given you pitiful security of future glory. What can we expect, sir, but ultimate ruin, when the Government shall select to high command men who have not scrupled to sow sedition among an army led by Washington, or barter away the independence of the country for Spanish silver? What security have you, sir, that such men, with such an army, will not, in despite of your interdictions, become Cæsars and pass the Rubicon of your liberties? The public ought not to confide in the integrity of such men. The risk is too great; and to derive confidence of safety from the impotence of the army when opposed to the people, or by reposing on the loyalty of the troops, would be but wretched security. Should the arms of such an army, headed by an ambitious demagogue, be turned against the

country, it would experience sad scenes, horrid discomfiture, and it would be a miracle if such a leader, holding out the immense plunder to be distributed among his troops, should not be able to merge their loyalty and virtue in the sanguine hopes of gain. What commander of an army ever failed to corrupt his soldiers if he attempted? Depend upon it, sir, we should have no security from that source.

These suggestions may be received with the fearless smile of incredulity by gentlemen who advocate the bill; but it is not weakness or jealousy that leads the mind to fears of this nature. It is a subject worthy of consideration. Men are still men; and the same lust of power that could tempt the Jacobin Absalom to rebel against his good king and indulgent father, might tempt your chief to seek a throne erected upon the ruins of your Republic.

When invaded, sir, we must have armies; but in that case, there is far less danger of any ambitious project to turn their arms against the country. In such case the people are most generally united by danger and necessity of common defence; but where you teach your officers, your soldiers, the lesson, and prove it by example, that the idea of justice and humanity is lost in the power of your arms, what else can you expect in case an ambitious and unprincipled man shall be placed at the head of your armies, sent to commit acts which lay aside morality and religion, than that he, whether he should succeed or fail in the enterprise, should attempt to profit himself by the means in his own hands? Sir, the man who could wantonly and wickedly attempt to promote sedition among the American troops in the last war, with the same black and diabolical heart, grown more hard by a repetition of vile intrigue and occult villainy, would not hesitate to seduce from their allegiance the American army now; and that man still exists in our country, and, much to the disgrace of those who appointed him, in high and responsible office.

This war, Mr. Chairman, is wrong; it was wrongfully commenced; it has been wrongfully prosecuted. Such a scene of ridiculous misfortune and defeat perhaps never was known. Why then make further experiments? Stop while you have any thing left. You have gambled away the national character, destroyed the national credit, and nearly exhausted the national finances.

Should a new army be raised, and a new loan be filled, the men and money are to be subject to the same indiscretion, the same profligacy; and, sir, prudence forbids that the public money should any farther be placed at the disposal of men who merge the dearest interests of the people in their own, or sacrifice to any extent the public finance in gratifying some favorite feeling or passion.

Six hundred thousand dollars of the public money was most imprudently put into the hands of a little Governor of New York, (I mean no disrespect to that gentleman, but that he was not

a proper officer, to whom it should have been paid.) Why was this money placed in the hands of a Governor? Surely he was not a paymaster, or any other officer of the Union, and could not pledge any official responsibility. This money undoubtedly was a favor to the Governor, and secured his last election. Whether it has been accounted for or not, is yet to be learned.

If there was no other objection to this bill, it is enough, that the money, if raised, is to be handled by men unworthy of confidence; I mean not to say that all are of that description. There are good men in office—nor would it here be proper to discriminate. It is enough for my purpose, that the Government will employ agents who deserve not to be intrusted.

Again, look, sir, at the two campaigns already passed, and read the future fortune of the army; and, sir, the more perfectly to understand what has been done, I point you to a little book from the War Office, containing the epistolary correspondence of your generals. That pamphlet alone is a sufficient sample to show the total want of arrangement, system, or concert. Time will not permit me to examine its contents; but take it in mass, and it proves how badly every operation was contrived, how wretchedly executed, and the jealousies, feuds, and insubordination of the officers. General Wilkinson attributes to the disobedience of General Hampton the failure of capturing Montreal; and in the same letter shows that there could be no necessity for his aid, as he expressly states, that six hundred men only guarded that city, while General Wilkinson's army exceeded five thousand effective men.

I am no judge, sir, but military men pronounce leaving the forts in Kingston and Prescott, to pour out an army upon the rear of the Americans, "to scratch them in the back," as an unpardonable oversight; and I confess reason seems to fortify the opinion. Whose fault this is seems not to be determined; indeed, the statements of the Secretary at War and the commander of the army are so equivocal, that those gentlemen, some time after, seem not to know what opinions they had given. What, then, but a disregard to the welfare of our country, or some fatal error, will induce us to make further experiments which promise but to waste the blood, the treasure, and the character of the nation, in abortive attempts to retrieve our losses?

Mr. Chairman, the gentlemen opposed to us do not agree in their opinion of what is right, what is the law of nations; and although their difference does not prove that they are all wrong, yet it is strong evidence that one is wrong; if, therefore, they cannot agree about their principles, while laboring to maintain the same cause, they cannot complain of the minority for differing altogether with one of them.

The gentleman from Pennsylvania (Mr. INGERSOLL) declared that he was well satisfied all

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our difficulties had arisen from the denial of Great Britain that free ships make free goods, and he exhausted much time to prove the correctness of the position. The gentleman from Virginia (Mr. JACKSON) frankly declared that no pretension was made, that free ships make free goods. In this essential and important point these gentlemen are at issue. Strange, then, they should so severely reprobate the opposition from this side to principles which they cannot agree about themselves! The gentleman from Virginia also declared that he would not have gone to war for naturalized seamen; while the gentleman from Pennsylvania stated that no peace could be made until the British would abandon the right of impressing them. Here we find those gentlemen contending against each other, not only as to the freedom of goods which have a neutral flag waving over them, but as it respects the only remaining cause of war. Shall the war then be continued, so long as its advocates really prove the right for which we are fighting is of a nature so equivocal, that the advocates of that war hold different language and different opinions as relating to the cause?

The gentleman from Virginia advanced one proposition which I cannot omit to notice. That "retaliation to be just must not fall on the innocent third party." Now, sir, I admit this to be true; and if true, what will become of the President's system of retaliation upon British captives? Their innocence is not, cannot be denied. They have no other guilt than every man who is connected in a defensive war.

This remark of the gentleman leads me back once more to the French. He made the remark as applicable to the relation between the United States and Great Britain, to show the unjust character of the Orders in Council, which are pretended by the British as a measure of retaliation against the French; and, said the gentleman, "if they intended to retaliate on France, they had no right to injure us." Be it so. And then permit me to ask how can the gentleman from Virginia, in the same speech, in the same section of his argument, justify the decrees of Berlin and Milan, as a retaliatory measure against England, for what he calls her paper blockade? It will not be denied, either that we are an innocent third party, or that we have suffered great loss in consequence of those decrees; and if all this be true, what becomes of the boasted impartiality of our Government in relation to both these belligerent powers?

The gentleman further remarked that the late President did right in sending back the Treaty of 1806. Sir, this act of Mr. Jefferson cannot be justified. In the first place, admitting the treaty to possess such demerits as required its rejection, yet the President alone had no power to determine the point; he should have laid it before the Senate. And, secondly, I venture to say, the ratification of that treaty would have been a glorious thing to our country; and those glories, its peace, happiness, and prosperity,

have been bartered away to gratify the scruples, the follies, and resentments of the then President against England, and his unjustifiable fondness for France. Sir, that treaty was a good one. It was so declared by the Ministers who negotiated it, one of whom is now the Minister of State, the other Attorney-General.

[Here Mr. SHIPARD read a paragraph of a letter from Messrs. Monroe and Pinkney to the then Secretary of State.]

Such testimony ought not to be overlooked or rejected. It is too high, too authentic. And yet it is said, notwithstanding the opinion of those gentlemen, the treaty was so bad that it was not necessary to lay it before the constituted authority to say whether it should be ratified or not.

One further remark, in answer to the gentleman from Virginia, and I have done. He declares that "the enemy have more patriotism than the minority here, for that he presents a unanimous front against us, while we are divided; although his course is bad and ours good." It is true, that the enemy is united and we divided; but I cannot believe it follows that we are less patriotic, or that our cause is better from these premises. Whatever the fact may be, it would really seem, that union of a people in a cause was some evidence that it was just, and division that it was unjust. In the last war, the state of the public mind was very different. England then was divided; we were united. They then invaded; we defended. We now invade and they defend. And if any conclusions are to be formed from the facts, they are, that we are now wrong, as we were right in the last war; and that a common sense of justice has produced the union of the one and division of the other. Yes, sir, we are wrong; we have sinned, greatly sinned; we have shed innocent blood, and we may look for calamity and disaster; for the judgments of Heaven to light upon us, unless we abandon the impious career, and seek by repentance the pardon of our offences.

Mr. SHERWOOD spoke as follows: Mr. Chairman, after the very able discussion which the bill upon your table has received from both sides of the House—after the minute financial examination of the subject, the acute analytical investigation of the causes and effects of the war, and after the energy and eloquence of my honorable friends, it may seem*presumption in one of my humble powers to claim the attention of the committee. But, sir, I will endeavor to tranquillize any rising spirit of impatience by an assurance of my disposition to be brief; I will promise the committee I have no ambition to detain them long, and, were I ambitious, I have not the vanity to believe I could long excite the interest of the House.

I am opposed to the bill before us for causes intrinsic, springing immediately from the bill itself—such as the immense amount contemplated to be borrowed—the enormity of the interest at which the money is to be obtained—the con-

sequences to the Government in throwing itself into the hands of money lenders. And I am also opposed to it for causes extrinsic, arising from the ulterior application of the money to be obtained, and the consequences of such application.

The amount contemplated to be raised by this and the other bill is thirty millions of dollars—five millions by Treasury notes and twenty-five millions by loan. We have already for the purposes of the war raised by Treasury notes and loans forty-four million five hundred thousand dollars. Pass this bill, and the faith of the Government is pledged for a new national debt of more than seventy millions of dollars. And let me ask gentlemen if they are prepared to mortgage the estates of their constituents for the payment of this enormous sum? But, sir, the time is unfavorable for obtaining this enormous loan. The stock you have already thrown into market; much of it is not, as many gentlemen suppose, in the hands of your moneyed institutions; it is yet in the hands of your speculators, your stock-jobbers, who, without sufficient capital themselves, have contrived by obtaining liberal bank discounts, pledging their stock as collateral security, to raise money to meet the instalments which have not as yet become due. If, however, the pressure upon the banks, which seems to have commenced at the East, and is rapidly travelling on to the South, should increase, so as to diminish discounts, the consequence will be, that a large amount of the stock will be thrown into the market and sales necessarily forced. Should this event occur, and nothing is more probable, stock will be below par; and at this eventful crisis, when your stock of about forty millions may be below par, or, to say the best of it, not above par, you are to inundate the market with thirty millions of additional stock. And let me conjure gentlemen, before they thus put at hazard the credit of this Government, to pause and reasonably satisfy themselves who will vest his capital in this stock. Are your banks to subscribe any more? No, sir, it is believed some have gone already so far as to endanger their credit. Are your real moneyed capitalists to engage in it? No, sir, they have been tempted and entreated by your speculators, but generally tempted and entreated in vain.

But gentlemen tell us our merchants, whose capitals are restricted from their accustomed employment, will, at the present moment, readily invest in this stock; in this calculation the friends to this bill, I believe, are also mistaken. Merchants have no inclination to withdraw from their accustomed pursuits, and it would be very difficult to persuade them into a course which would prevent their resuming such pursuits whenever the channels of commerce are unlocked. Besides, sir, the merchant and other capitalists fear, if you load your Government with such an immense national debt, that some of your Western States, who will never own a dollar of it, will find that shaking

off all liability is the most convenient mode of redeeming their pledge.

Again, we are told that our stock will fall into the hands of foreign capitalists. We shall, by the magic operation of this loan, extract funds from the enemy to enable us to carry on the war; and the honorable gentleman from Virginia, who last spoken upon this subject, (Mr. JACKSON,) approved and enforced the argument. And is it come to this, that gentlemen on the other side of the House are willing to have the stock of our funds placed in the hands of British capitalists? And are they who were so sensitive to foreign influence—so tremulously fearful of the power of British gold, when a reincorporation of the United States Bank was applied for, now so changed? Are they who were then so much alarmed at the possession by British capitalists of four or five millions of bank stock, now ready to throw into the hands of the same capitalists five times that amount of your national loans?

But let me ask gentlemen what reason they have to suppose that British capital will be invested in our funds? The first inducement to such an investment would be a full conviction of the faith of our Government, and that idea presupposes the integrity of the Union. And is not the latter supposition in direct hostility to the opinions which the gentlemen on the other side of the House daily make and pronounce for the British nation? Do not gentlemen daily tell us, the British consider this Government "formed of a divided people"—that "we are ready for a dissolution?" And from such premises can gentlemen draw the inference, that our loan is to be taken by British capitalists?

The enormity of the interest to be paid for this loan forms in my mind another important objection to the bill. The last loan was negotiated at a fraction less than eight per cent., while the interest at the banks, and the legal interest of most of the States, is six; private credit and the credit of individual States, obtain any amount at the same per cent.; and yet, sir, this Administration, under the management of its present rulers, pays eight. Sir, if the Administration would exert itself to establish the credit of the nation upon a basis as firm as private credit; if it would show the moneyed men a redeeming fund, instead of driving back from your Treasury fifteen millions of annual commercial revenue; if it cherished the just interests of the people, and soothed and allayed instead of exasperating their passions; if it gave to calculating men a rational expectation that the halcyon days of commercial revenue would again be restored to this country; if, in short, the "restrictive energies," the "anti-commercial policy" of your Administration had not exhausted the streams of public revenue, and, indeed, dried up its very source, we might either have had in the Treasury a supply for our wants, or commanded it upon terms advantageous and creditable.

The gentleman from Virginia, to whom I just

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alluded, tells us that in loaning money to the Government there is "no patriotism concerned;" the exaction beyond legal interest is "usury." Now, sir, I cannot distinguish between the evil consequences of throwing the pecuniary concerns of Government into the hands of "usurers" and those of a private individual. To the affairs of the latter we know it would be ruin. If these gentry once get the noose about your neck, they are as relentless as death; give them eight per cent., they will ask you nine; yield them this, they will rise to ten; and so, drawing you within their grasp, the gripe of the usurer becomes the gripe of death. If the Administration must raise this enormous sum, why not apply to the people at once and collect it? Is it fearful the people will see and realize the ruinous tendency of its measures? Does it lack courage to show to each individual the proportion for which his estate is mortgaged? Does it suppose, by shuffling off the "hour of reckoning," its political life is "yet to be spared another day?" Does it suppose the people had rather pay twelve per cent., Government interest, (doubling the debt upon them in eight years,) than each now to pay his proportion, borrowing himself at six, if necessary? I believe, sir, the interest and feeling of my constituents, corresponding with my own, hostile to a national debt, which thus feeds and fattens the speculators and usurers of your country.

Again, sir, I am opposed to the influence which will be given to the money lenders, whom the honorable gentleman from Virginia (Mr. JACKSON) designates as lacking patriotism. A moneyed influence in a Republican Government should ever be rigidly and firmly resisted. Every member of every branch of our Government should be kept free from temptation; free from suspicion of such an influence, and clear from the contagious atmosphere generated in its use. In aristocratical and monarchical Governments, perhaps, the reverse of this general proposition is correct; and hence, perhaps, the maxim in such Governments "a national debt is a national blessing." But in this country I trust such a maxim will never insinuate itself into the progress of our affairs, so as to reach and blunt the feelings of the people. Who can deny, however, that with forty millions of public stock, recently issued to the avarice and cupidity of the nation, and with an almost equal amount contemplated now to be issued, that our fears should be excited?

I shall regret to see, but the period may not be far off, when speculators, stock-jobbers, and usurers, will swarm about your Capitol, thrusting themselves into the very sanctuary of your Legislature; infesting your lobbies and galleries; kindly devising and advising the laws for your enactment. So deeply interested for the public good, their precious time will be wholly devoted to aiding you in financial arrangements. The period may be at hand, sir, when you will see them moving about your palace, and the departments of your cabinet, disinterestedly helping

your Secretaries to select suitable persons for the offices of your Government. Let this moneyed influence get the advantage of your means, and your Government will be to it "as clay in the hands of the potter;" it will mould and fashion it to its own liking. Yes, sir, let these usurers get foothold, and they will prey upon your vitals; you will see them hovering about your Treasury like crows about a carcass, croaking for the last morsel.

My opposition to the bill, Mr. Chairman, for cause extrinsic, arises from the avowed application of the proceeds of the loan to the carrying on the war of conquest in which we are engaged; a war, the retrospect of which humbles the just pride which Americans did feel, and, I trust, may yet feel; a war, the prosecution of which reason and experience forbid; for, in prospect, our country's honor, and its fame, and hope, are cast in the shade, and we can scarcely collect a ray of light to irradiate the picture.

In viewing the subject of this war, avowedly prosecuted for the conquest of Canada, we are naturally led to consider the causes of its declaration, the cause of its continuance, and the consequences flowing from its prosecution. As it is not my present purpose to detain the committee with a minute or critical examination of either of these topics, I shall limit myself to very few remarks.

But, sir, we are to be checked at the threshold of this discussion. We are told by the majority that the causes and consequences of the war are useless discussions; that war is duly declared by the constituted authorities of the Government; and to hold and inculcate opinions against it is to oppose Government—it is moral treason. Gentlemen have not yet gone so far as to pronounce the expression of our opinions as actual treason, but have coined a new grade of offence, and christened us "moral traitors." Whether this newly-devised offence of differing with the Administration in opinion, and assuming the hardihood to express such opinion on this floor, and in this nation, is to be chastised with the arm and the power of the Administration, is yet to be learned. The gentleman from Virginia (Mr. JACKSON) has told us, however, when speaking of this new species of treason, that it must be put down; the Administration must adopt a new motto, put it down "peaceably if they can, forcibly if they must."

Now, sir, before this motto shall be engraved upon the tablets of the Administration, I conjure gentlemen to pause! The people of this country are freemen in sentiment, freemen in action; and, before you can abridge them of the liberty of forming and expressing their opinions upon the measures of the Administration, you must abridge their existence. Are gentlemen aware of the consequences of establishing this motto? The mere suggestion is calculated to lead the sturdy yeomanry of this country to the jealous point of daring, and the attempt to enforce it would bring upon us the horrors of civil war. Before gentlemen assent to this mot-

to let them trace the effects; let them count the costs. This Administration never could enforce a doctrine so absurd, so tyrannical. Sir, the single State of Connecticut, adopting the opinion of a just right, which they believed authorized and secured by the constitution, could not be put down by the whole force of the Administration south of the Chesapeake. I regret, sir, that this subject, in itself delicate, could not have been handled with a delicacy better adapted to assuage and soften down the irritations of human nature; but it is an incident to the freedom of opinion and discussion to resist every encroachment upon either in the language of truth and firmness.

The majority find it very difficult to agree on the just cause for the continuance of this war. The cause assigned for its declaration, the British Orders in Council inhibiting neutral commerce to certain French ports, ceased with their revocation. Whether these orders were really just cause of war as against Great Britain, or whether they were merely retaliatory of the French decrees, has been so often and so ably discussed, that I shall not attempt to consume the time of the House on that point. Suffice it to say they are now revoked. They were revoked within five days of the declaration of war. Nor will I take up the time of the House to inquire whether the Orders in Council were revoked in consequence of the repeal of the French decrees, or the coercive effects of our restrictive system. I will only observe that the British were pledged to revoke their restrictions whenever the French decrees were repealed, and due notice given of such repeal. They redeemed their pledge—they did revoke them. Neither will I examine whether it was the deception of the French Government practised upon our Administration, developed in their celebrated decree, bearing date 11th April, 1811, (now universally admitted to be fabricated,) that precipitately brought our Administration into this war.

The ostensible cause of war was these Orders in Council. So said the friends of the war in Congress when developing the views of the Administration; such, too, is the report of the committee who responded to the President's war Message; and so wrote the Secretary of State to our foreign Minister. This ostensible cause, then, is removed, and yet the war is continued. On receipt of the revocation of the British Orders in Council, the British Provincial Governor proposed an armistice by land, and Admiral Warren seconded his views by a similar proposition by sea. Our Government rejected the propositions. If our Administration was disposed for peace, why not, after the revocation of her Orders in Council, and a proposition from the enemy for an armistice, why not accede to it? Could a moment more favorable have been expected? If the Administration had then consented to have stayed the arm of hostility and devastation, its friends would not have been driven to the necessity of hunting up other causes for the continuance of the war.

We are now told that impressment is the principal cause. The British contend for the right of searching neutral merchant vessels upon the highway of nations, and taking out such of their own citizens as they may find on board such vessels. This claim set up by the British, frequently operates injuriously. From the similarity of habits and language of the two nations, mistakes are often made, and American sailors have been the victims of the enemy's policy; but whenever they have chosen to assert and manifest their citizenship, they have always been released. This claim of the British has uniformly been considered as one operating unjustly, and every Administration, from the days of Washington down to the present, have made it cause of complaint; none, however, have thought it cause of war. The principal irritations growing out of this subject have arisen from British subjects claiming American protections. Many worthless foreigners, renegade Irish, Scotch, and Englishmen, have not only attempted to palm themselves upon British officers as Americans, but have actually succeeded in the attempt. These impositions frequently detected, and, perhaps, attributable in some measure to the manner in which American protections are obtained, operate upon the real American sailor by alarming the jealousy, sharpening the scrutiny, and exciting the tyranny of the British officer. My object being to show that this complaint of impressment was not considered as a cause of war, I have merely adverted to the causes assigned contemporaneously with its declaration, and content myself with the inference which inevitably follows.

Gentlemen who feel the force of these recollections are driven to assign other causes; and, what is not astonishing, when ingenuity alone is to be exercised, they do not agree as to what was really the cause of the war. An honorable gentleman from Pennsylvania (Mr. INGERSOLL) thought it was cause of war that the British denied the doctrine "that free ships make free goods." Another gentleman (Mr. JACKSON) of the majority, showed that the British were correct, and if you allow the neutral flag to protect the goods that sailed under it, it might lead to the most abominable fraud.

Another cause urged by gentlemen is, that the enemy instigated the Indians to hostility against us. One gentleman (Mr. I.) said it was a "momentous cause of war," and he was surprised the Administration did not think of it when war was declared; "there never was so fine an opportunity for making a declaration of war." If this gentleman is right, then it is cause of just regret to the majority that they were, at that period, deprived of talents so astute and brilliant as his, for they undoubtedly would have had a declaration of war, surpassing in its effects the most finished proclamation of the present era.

A recurrence to the history of the session of Congress, in 1812, will convince this gentleman

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that he is mistaken as to the fact of the existence of this cause of war. The Administration were certainly not unmindful of the great advantage such a cause would have had in enlisting the feelings of the community in a vigorous prosecution of the then determined hostility; a committee of this House was therefore raised to inquire specially into the subject; and, although a labored report was prepared and printed, it was thought most advisable to suffer it to rest undisturbed upon the shelf—not unlike another late voluminous report. The barbarity of the circumstances is more apparent than their authenticity is satisfactory; and opposed to this doubtful presumptive testimony, was the positive disavowal of the British Minister, Mr. Foster, of the connection of his Government with the Indian aggressions.

The Orders in Council have ceased. Impressment is a subject of complaint, not a cause of war. The instigation of the Indian hostility lacks authenticity. Our war is therefore continued without a sufficient cause.

If our cause was just, and the feelings of the people were united to avenge it, this Administration ought not to be intrusted with conducting it. The history of the progress of the war has fixed upon the Administration a character too prominent to be concealed, too just to be denied; its principal characteristics are impotency of management, and profligacy of expense.

The minority, who resisted the declaration of war, in a course of manly prediction and almost miraculous prophecy, pointed out its evils. They warned you, as with a voice of wisdom, against the delusive scheme of conquering the Canadas; they foretold to you many of the disasters which have since been realized; they warned you of the danger of your seaboard; and they conjured you to avoid the desolation of your Western frontier: these warnings were regarded not, but they cannot be forgotten, and the truth of them will add poignancy to their recollection.

A recurrence to the events of the war is but little more than a review of our disgraces. Whether we commence with the "planting of our standard" in the enemy's province by Hull, or terminate with the progress of our last Northern campaign, the result is the same. Our armies wasted, our means dissipated, and a fair portion of our country laid in ruin. Though brave officers and good soldiers have labored to support the sinking honor of the country, their efforts have been counterbalanced by the weakness and the folly of the plans and the counter-plans of the principal managers. The report of the Secretary of War, on the causes of the failure of our arms, develops most strikingly the weakness, if not the wickedness, of those who conducted the last campaign. An examination of this correspondence will satisfy any gentleman that, instead of your armies being directed by the united energies of

your officers, petty jealousies, malignant hatred, and much mysterious cunning, have distracted and defeated their operations; instead of seeking honorable fame, achieved by great and glorious deeds, they seem to have sought that comparative fame, which elevates itself by the destruction of others.

I will not detain the committee to show the various changes of the plan of the Northern campaign; how one day Kingston was to be taken by a "direct attack" of the army, crossing from Sackett's Harbor, and the next day by an "indirect attack" by the way of Montreal; nor will I point to the cordiality with which the principal Generals so manifestly "harmonized" in the great objects of the campaign; nor shall I attempt to describe with what deep skill the prime juggler behind the scene moves the puppets for their destruction or his eventual fame.

When the war was declared, Canada was to be taken in ten weeks. All the power that Administration have wished, or could derive under the Government, has been at its disposal. Armies as large as the majority chose to vote them have been granted; money, as much as has been asked for, has been obtained; in short, Administration has commanded the constitutional resources of the country, and what has it accomplished? We now have actual possession of Malden, and imaginary possession of the wilderness opposite Detroit, while the enemy have possession of the important peninsula connecting Lakes Erie and Ontario, and of the desolated remains of the once flourishing villages along the Niagara. Such is the progress your Administration have made towards the conquest of Canada—so they have fulfilled their engagements of glorious warfare.

But, sir, the profligacy of our present expense is equalled only by the diminution of the radical resources of the country. The estimate for the current year, and a reasonable allowance for claims of indemnity, added to a loss of commercial revenue, will probably fall little short of one hundred millions of dollars; while a permanent irreparable loss to the wealth of your country, arises from the diversion of foreign commerce, from a change of the industrious habits of the country, and from a want of the necessary labor for agricultural pursuits.

Two years have nearly expired since we have been engaged in this contest, which now is generally called a war for "sailors' rights"—a war to protect foreigners against their lawful sovereign on the high seas. Were it to protect the naturalized citizen on our own soil, who mingles and mixes in the homebred duties of social life, every feeling of my heart would be engaged; but for the protection of such "sailors' rights," I would not sacrifice one native American. And yet, sir, for these "sailors' rights," have you expended millions and millions of your treasure, loaded your citizens with taxes, and sacrificed the peace and happiness of every

class in society. In this war for "sailors' rights," have your villages been pillaged, innocence violated, the peaceful dwellings of your citizens razed, and a whole country desolated? Yes, sir, armies have been swept away, many valuable lives have been lost—not so many valuable lives, for into your Army, generally, you have been unable to draw men either valuable to themselves, or valuable to the community.

From all these considerations, I cannot give my vote for this enormous loan. If, instead of purposes of conquest, the majority would devise a system for defending our own soil, I would yield them every aid, however badly I think of the original cause of war, of its continuance, or the managers of it.

I know my constituents are unwilling to barter their lives and their fortunes for the conquest of Canada, and, with me, would withhold every dollar which is intended for that object. Yes, sir, I would bar the main spring of your political clock, and let your journeymen politicians wind and wind in vain; no longer should be rung, in melancholy chime, the dreadful notes of desolation and distress from Georgia to Maine, from Champlain to Orleans.

When Mr. SHERWOOD had concluded—

Mr. GRUNDY addressed the Chair as follows:

Mr. Chairman, I had determined to remain silent during this discussion, and nothing but the extraordinary course pursued by gentlemen on the other side of the House could have induced me to relinquish that determination. Not satisfied with replying to the arguments urged by the majority at the present, they have assailed sentiments advanced by me at the last session; nor has this been done by one or two only, but by all who have addressed you; yes, sir, from the greatest to the least—from the venerable gentleman from Massachusetts, (Mr. PICKERING,) down to the gentlemen from North Carolina, (Messrs. CULPEPER and PEARSON,) who spoke a short time since—this has constituted the burden of their song. But for this, I should have been saved the trouble of speaking, and you the fatigue of hearing me.

Before I proceed to an examination of their arguments, the committee will indulge me a few moments in taking a view of the subjects under consideration, different from any yet presented.

The Committee of Ways and Means have recommended to the House the adoption of a bill providing for a loan of twenty-five millions of dollars; the majority seem disposed to grant the supply asked for, the minority say it ought not to be granted—the question then is, which party is right? This can best be decided by an examination into the effects which will result from the adoption of the one course or the other. If more public good will result from the passage of the bill than from its rejection, the minority are acting erroneously. If, on the other hand, more evil will arise from its passage than from its rejection, the minority are acting

correctly. You are engaged, Mr. Chairman, in a war with a powerful nation, on whose magnanimity and justice, judging from past experience, you can place no reliance. Should this bill pass, you will be prepared to arm the American people, and (should negotiation fail) meet your enemy in the field of battle; you will be prepared to assert your rights by the sword; you will exhibit your Government in the attitude which is most commanding, with the sword in the one hand, and the olive branch in the other, saying to the enemies of your country—Choose ye which to select. This is what the majority recommend. What is the course advocated by the minority? Disarm the American people, lay down your weapons of warfare, and do what? Ask pardon and forgiveness for your transgressions, and accept of such terms as the enemy will accord to you. Is this a course worthy of a great and free people? Would you not by this demonstrate to the world that you are unworthy of that liberty which you enjoy? I confess, Mr. Chairman, I am almost tempted to doubt the sincerity of gentlemen's declarations, when I look at the low and degraded state to which the country would be reduced, should the opposition to this bill succeed. Further, sir, by the money contemplated to be raised under the authority of this bill, you can comply with all your engagements; you can pay the officers and soldiers already in your service; you can support that navy of which all parties claim to be the patrons; you can pay the stipulated portion of former debts; in short, you will support the public credit; reject it, and you cannot pay those at present in your employment; your navy must rot, your ability to obtain loans at any future period will be entirely annihilated; for, once let it be ascertained that your punctuality is not to be depended on, rely on it, it will be idle to attempt to borrow. What, sir, has hitherto kept up the price of American stock at home and abroad? It has been that rigid regard to justice and good faith which has at all times characterized this Government. There are cases in which, probably, a government might fail punctually to comply with its engagements, and still the public credit might not be greatly affected. This would not, however, be one of those cases; because, in this instance, there would not only be a failure, but it would be unaccompanied with an honest exertion towards compliance. If, sir, the idea shall ever meet with public sanction, that one political party may incur a debt and their political opponents stand justified in refusing to discharge it, I pronounce that public credit is at an end, and this form of government will soon follow it. At the last session, a gentleman from New York (Mr. OAKLEY) furnished the best apology that could be made for his vote against the loan bill; but I have heard nothing of the kind from others; and even his apology was not very satisfactory. After the passage of that bill, he declared he

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would have voted for it, only he knew the majority were bound to pass it. He seemed justly to appreciate the importance of preserving the public faith. I thought the sentiment honorable to him; but I confess it did occur to me that he had adopted too easy a method to get clear of the trouble of doing his duty for himself. I did suppose that the better way was for each individual to do that which appeared right to himself, and not leave it to others to perform it for him. If, however, that gentleman can reconcile such conduct to his own conscience, it is not for me to censure or condemn. Who, Mr. Chairman, complain most of the defenceless state of the country? The very men who refuse to grant men and money for its defence. They say they need protection, and criminate the Government for the want of it; and at the same time use all their exertions to withhold from the Administration the means of protecting them.

Sir, members venerable for their age and experience, and more so for their pursuits in life, (for they profess to be the interpreters of the word of truth,) have said in debate that this is a wicked and irreligious war: and quote the expressions "Thou shalt not kill," &c., "Love thy neighbor as thyself," &c., in support of this charge. Do these gentlemen suppose that the book to which they refer, the authority of which all admit, is so little understood that misrepresentations of this kind can be practised successfully? Can it be believed that that Deity, who, on many occasions, expressly commanded wars to be made; he who led his favorite people to battle, and was a shield and defence to them in the hour of danger, should condemn all wars as unlawful? These gentlemen have forgotten that the British Government, which they consider as the great promoter of Christianity, is in the habit of shedding human blood by her wars. Yes, that moral and religious nation is more frequently engaged in war than any other; not defensive wars only, but offensive foreign wars. Examine her history, and you will find that within the last six hundred and ten years she has been at war two hundred and sixty-one years with a single nation; and during that period she has never been invaded, though at particular periods greatly threatened. The same gentlemen affect to value the blessings of civil liberty, as enjoyed by us, and to revere the Constitution of the United States: and can they not remember that these are the effects of the war of the Revolution? If all wars are forbidden by the law of God, the Revolution was an immoral and wicked thing, and those who achieved it are liable to censure, rather than entitled to that praise which all parties unite in bestowing on them.

It is also alleged that it is unjust to invade Canada. In the Revolutionary war it was invaded: and I defy those who pretend they are the disciples of Washington, to show any difference in principle between the propriety of an

invasion then, and an invasion now. Yet at that period the illustrious man who commanded the American armies, and all those who were united with him in rescuing this country from the unfeeling grasp of a foreign tyrant, decided that the conquest of the Canadas was just and expedient.

I come now, Mr. Chairman, to speak on that point which produced the necessity of my addressing you: *Moral treason*—that sentiment expressed by me at a former session, which has excited so much sensibility, and given rise to so much censure. To whom have I ascribed it? Not to those who exercise their constitutional privilege of opposing measures before they are adopted by the constituted authorities; not to those who shall, even after their adoption, deliver their sentiments freely against them; not to those who shall fail to join the army themselves, or decline to loan their money; but to those who shall exert their influence to prevent others from enlisting, and shall combine together for the purpose of preventing loans from being filled. Men of the latter description, I did say, were, in my judgment, guilty of treason in a moral point of view. I say so still. It is an opinion which reflection has doubly confirmed; it is an opinion I shall never retract. So far from it, would to God it were written in letters of sunshine in the very centre of Heaven, that all the world might read. It is opposing the laws after they are constitutionally enacted; it is attempting to prevent the operation of the laws by other means than a repeal of them; and the latter is the only way in which I believe the effect of any law can with propriety be defeated.

Gentlemen who are so very sensitive on this subject had better look back a few years, and see how they thought and acted when in power, and perhaps a review of this kind will show them the true difference between us on this point. We say such conduct as I have described is unjustifiable. We advise, we admonish, we entreat those who practise it, to desist. Not so in 1798. The party then in power acted; they passed their Sedition law; they recorded their disapprobation of such conduct; and a republican member of Congress, from Vermont, suffered the penalties imposed. And, sir, recollect, this took place in what is called the *quasi war* with France, and not at a period when dangers assailed the nation on every side, as at present.

Let us recur to that law, and see whether its provisions would not punish those guilty of such conduct as I have censured:

An Act in addition to the act, entitled "An act for the punishment of certain crimes against the United States."

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That if any person shall unlawfully combine or conspire together, with intent to oppose any measure or measures of the Government of the United States, which are or shall be directed by

proper authority, or to impede the operation of any law of the United States, or to intimidate or prevent any person holding a place or office in or under the Government of the United States, from undertaking, performing, or executing his trust or duty; and if any person or persons, with intent as aforesaid, shall counsel, advise, or attempt to procure any insurrection, riot, unlawful assembly, or combination, whether such conspiracy, threatening, counsel, advice, or attempt, shall have the proposed effect or not, he or they shall be deemed guilty of high misdemeanor, and, on conviction before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment during a term not less than six months, nor exceeding five years; and further, at the discretion of the court, may be holden to find sureties for his good behavior in such sum, and for such time, as the said court may direct.

SEC. 2. *And be it further enacted,* That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall knowingly and willingly assist or aid in writing, printing, uttering, or publishing any false, scandalous, and malicious writing or writings against the Government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said Government, or either House of the said Congress, or the said President, or to bring them, or either of them, into disrepute; or to excite against them, or either, or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by the Constitution of the United States, or to resist, oppose, or defeat any such law or act; or to aid, encourage, or abet any hostile designs of any foreign nation against the United States, their people, or Government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

Now, sir, examine the extent of the provisions I have read. It is declared, that if any persons shall unlawfully combine or conspire together, with intent to oppose any measure or measures of the General Government, which are or shall be directed by proper authority, or to impede the operation of any law of the United States, &c. Suppose the first branch of the sentence should be construed to extend to cases only where open force was intended to be applied, yet the terms "to combine or conspire together, with intent to impede the operation of any law of the United States," would clearly embrace those who combine and conspire together to prevent the filling of the loans, and the ranks of the army. Observe, Mr. Chairman, in the second section, how careful those who *now* talk so much about the liberty of speech and of the press were to guard themselves from the attacks of their opponents. "To defame either House of Congress, or the President of the United States, with intent to bring them into contempt

or disrepute," was made punishable. And this bill passed the Senate of the United States, containing only the two sections I have read, and without any provision that the truth might be given in evidence on the trial. Thus far I speak of the facts as the public records prove them to be. I examined them on yesterday. And I am informed by a venerable gentleman, then and now a member of this House, that, with great difficulty, a predecessor of mine (Mr. Claiborne) procured, in the House of Representatives, the insertion of the third section, which declares that the truth may be given in evidence on the trial. Without this provision, what would have been the condition of men prosecuted under that law? The principles of the common law would have been applied, and every gentleman of the law will admit, that in cases of libels, the truth could not be given in evidence in justification of the defendant. Here, then, according to the act of the Senate, the President and each House of Congress had effectually secured their conduct from investigation; and to the citizen who should arraign them before the bar of public opinion, truth afforded no protection. Have any attempts of this kind been made since the commencement of the Republican Administration? No, sir. And have not the President and both Houses of Congress been slandered, and basely slandered? The present majority wish not to hide their conduct from public view and scrutiny. All that is wished for is, that those who are opposed to them should so act as not to injure the public service. Those whose object is the public good need not the aid of sedition laws. They only need them whose actions cannot bear the light of truth. We wish to effect our object, not by fines and imprisonments, as our predecessors did, but by making it disreputable in the public estimation to injure the country by indirect means.

So fully, Mr. Chairman, am I satisfied of the correctness of the sentiments I have at all times entertained on this subject, that should it be my lot to be placed in a minority, however freely I might express my opinions of measures, no impediment should ever be thrown by me in the way of the execution, or operations of the laws, when once enacted, except so far as an attempt to repeal them might have that tendency.

A gentleman from New York (Mr. GROSVENOR) had certainly not well considered the application of a sentiment expressed by him, or sure I am he would not have relied on it as a justification of the conduct of the minority in this House. He says, that opposition is useful and beneficial, and to prove this, he declares that had it not been for the opposition members of the British Parliament, the American Revolution would never have been effected. Grant it. We are in the habit of admiring and praising those who opposed the British Ministry during that struggle, because much good has resulted to the American people from their opposition. But if the interest of Great Britain required that she should retain the then colonies

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as a part of her dominions, have the labors of these men benefited their own country—have the people of Great Britain any cause to thank them for their exertions? Suppose the Opposition here should so far prevail as to compel the Administration to yield the great points in controversy between the two nations and surrender essential American rights—the same language we now use in relation to the Opposition in England, during our struggle for independence, might be applied to the Opposition in this country by Englishmen; but the American people could feel under no obligations to them.

Another gentleman from New York (Mr. SHIPARD) said that we, the majority, are prejudiced against the religion of England. Sir, this is the unkindest cut of all. I had hoped that the vanity of the minority would have been satisfied in claiming for their party all the talents and political integrity of the country; but, not contented with depriving us of all respectability and comfort in this life, they even attempt to deprive us of every hope for happiness in the world to come. This charge we repel with indignation. If we do not make as many religious professions, it does not therefore follow that we possess less true religion than our political opponents. Sir, what does the gentleman mean by the religion of England? I presume he means what is generally understood to be the Protestant, in contradiction to the Catholic faith. If so, how small a portion of the American people profess the latter? They are few in number and respectable, considering their number; but, they neither have the ability nor disposition to excite prejudices against the religion of England. The great body of the people composing the present political majority, profess the religion of that country from which they descended, and cannot therefore on that account feel any prejudices against Great Britain.

We not only feel no prejudices against that nation, but we feel our partialities for it. It is the land of our fathers, and therefore we are partial to it; the English language is our language, and therefore we are partial to it; all our institutions, except those of a political kind, derive their origin from that country, and therefore we are partial to it; we are taught knowledge from English sources, and therefore we are partial to it. I confess, Mr. Chairman, I am under the influence of these partialities. But shall I, on that account, forget my own country? Shall I be actuated by such feelings so far as to permit that nation to trample under foot the sovereignty of the United States? No, sir, I love my country better than I love England.

The same gentleman has said, that that Government has done more to christianize the world than all other nations. Sir, look to India, and the crimsoned flood of the sacred Ganges will tell you what that Government has done to christianize the world. View the idol of Jugernaut, and the mass of human misery and death which is produced by an idolatrous super-

stition, which is not only permitted, but promoted, by this christianizing Government, for the express purpose of raising a revenue for the British Crown. Sir, a strong British guard is there kept to encourage superstition, and exact a tax from the deluded pilgrims who resort to that place to worship. That there are many associations of pious men in England, who have done much to benefit mankind, is readily admitted; but their acts are not the acts of the Government; nor has the Government at all times approved of them, else how did it happen that the missionaries Gordon, Morrison, and Lee, were not permitted to depart for India and China in British vessels, but were compelled to come to America to obtain passage in an American ship, in the execution of their mission? Sir, these things I should not have brought to the view of the committee, had not the strange course in debate taken by gentlemen on the other side of the House rendered it necessary.

Mr. Chairman, it is insinuated that the Indian war has been produced by the conduct of the Government of the United States. I ask gentlemen to show in what manner this has been done. It cannot be shown; so far from it, every exertion has been used to ameliorate the condition of that unfortunate people, and save them from that destruction which a war with the United States must inevitably bring upon them. You have sent your agents amongst them to teach them the arts of civilization, and, while your Government was thus engaged, the agents and traders of Great Britain were employed in preventing the progress of your labors. You sent your teachers, your bibles, and your testaments; they sent their rum, their trinkets, and their baubles.

Sir, during the last Indian war, and after the treaty of peace between the United States and Great Britain, the agents of that Government furnished the Indians with supplies to carry on their savage warfare, and ever since they have been busied in inculcating on their minds sentiments hostile to the people of the United States. They have been told, as the public documents abundantly prove, to be prepared to strike the blow, whenever a rupture should take place between Great Britain and the United States; and it was owing to their being overcharged with sentiments of this kind, that induced them to commence hostilities in the Indiana Territory, before the declaration of war.

Mr. Chairman, look at that Indian war which is now raging in all its fury in the Southwest, and account for its origin. What cause of complaint has the Creek Nation ever had against the United States? None is pretended; it originated in the manner pointed out to me by the captive chief of that nation, who is now confined in the town in which I live. When asked why his people had made war on the United States, he replied: "A letter came from the North; a council of the chiefs was held; we were promised arms and every thing else necessary, if we could make war on the United

States; we were told that the British would assist us in recovering our lands and driving the people of the United States from them, and that the ancient order of things should be restored—upon these conditions war was decided on." This, sir, is the way in which Great Britain christianizes the world.

A gentleman from Connecticut (Mr. PITKIN) says, that the Administration has abandoned the ground first taken with regard to impressment, and an arrangement on that subject is all that is now expected, and not a formal relinquishment of the right on the part of Great Britain. Sir, a security against impressment is all that was ever asked; and to us it is altogether immaterial, whether it be by a renunciation of the right, or an arrangement by which the officers of the British navy shall be prohibited from entering American vessels and taking from them American citizens. And it only requires that this point should be fairly stated, to prove that the enemy can settle it whenever he is disposed to act justly towards this nation. It has been alleged by Great Britain, that her seafaring subjects, whose services she needs, escape from her employment and enter into the service of the United States; and to reclaim them, she has been compelled to permit her officers to enter American vessels and seize them. By the passage of a bill, commonly called the seamen's bill, this Government has declared that this pretext for impressment shall no longer exist, for British seamen shall not be engaged in the American service, and adequate provisions are made to effectuate the object professed. If then Great Britain is disposed for peace, this subject can form no obstacle.

It is said that England and her allies, since the late great events in Europe, are omnipotent. On this point, gentlemen may calculate too strongly; it is one on which no man in this country can speak with confidence; but it seems to me not improbable that the influence of England on the Continent of Europe has already or will soon cease. Hitherto the power of France, which threatened to annihilate the Northern powers, united them with England in opposing the Emperor of the French. But now, when France is reduced almost, if not entirely to its ancient limits, and ceases to be a terror to them, is there not every reason to believe, that having humbled the tyrant of the land, they will turn their attention to the tyrant of the ocean? Sir, I cannot believe that Alexander the Mediator, or Deliverer, if you please, will consent to surrender to Great Britain those maritime rights for which his Government has at all times contended. True, sir, while Russia was struggling for her existence, while a powerful invasion threatened the capital of her Empire, her maritime claims were permitted to rest, but they were never abandoned; and let it be recollected, that her maritime claims at all times have equalled, if not exceeded those of the United States.

Another gentleman from New York (Mr.

SHERWOOD) has told you that the subject of impressment was never considered as a cause of war. This has often been said before and as often refuted—need I refer you to the uniform sentiment of this Government for upwards of twenty years, and under every Administration?

Sir, all parties when in power have concurred in declaring it to be an evil not to be borne. It is somewhat remarkable, that however great the differences of opinion on other political subjects, in this all concurred. Mr. Washington, Mr. Pickering, Mr. Marshall, Mr. Adams, Mr. Stoddard, Mr. McHenry, Mr. Jefferson, Mr. Madison, Mr. Monroe, Mr. King, have each in their turn declared the impressment of our citizens as practised by Great Britain to be a sufficient cause of war—and if persisted in, it would result in an open rupture between the two countries; and although gentlemen now say that this formed no inducement for the declaration of war, at the session when it was declared, yet examine the public documents of that period, and it will be discovered that it was considered and treated as a prominent cause of war. Indulge me in reading a paragraph from the first report made by the Committee of Foreign Affairs at that session; the language of the Committee is: "Your committee are not, however, of that sect whose worship is at the shrine of a calculating avarice; and, while we are laying before you the just complaints of our merchants against the plunder of their ships and cargoes, we cannot refrain from presenting to the justice and humanity of our country the unhappy case of our impressed seamen. Although the groans of those victims of barbarity for the loss of (what should be dearer to Americans than life) their liberty; although the cries of their wives and children in the privation of protectors and parents have of late been drowned in louder clamors at the loss of property; yet is the practice of forcing our mariners into the British navy, in violation of the rights of our flag, carried on with unabated vigor and severity. If it be our duty to encourage the fair and legitimate commerce of this country by protecting the property of the merchants; then indeed, by as much as life and liberty are more estimable than ships and goods, so much more impressive is the duty to shield the persons of our seamen, whose hard and honest services are employed, equally with those of the merchants, in advancing under the mantle of its laws the interests of this country."

I could refer you to other documents of that session containing sentiments of the same kind, but this I deem sufficient to do away the effect of insinuations made by those who were not then members, and know but little on the subject. A gentleman from Virginia (Mr. SHERFEX) has said, that the number of American seamen impressed by the British has been exaggerated. How is this proved? By bare assertion, and not otherwise. The official reports from the American Government, show the number to be 6,257: this statement I will rely

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on until its incorrectness is shown. But admit it to be incorrect, Lord Castlereagh, in the British Parliament, admitted that 1,600 American citizens had been impressed; this admission is surely good evidence against the British Government; and recollect these are admitted to be native American citizens, not British subjects, naturalized in this country. Now let me ask the gentleman from Virginia, whether if 1,600 men were forcibly taken from his district by any foreign power, he would not say it was sufficient cause of war, and would not condemn the Government that would refuse them protection? I am bound to believe he would; if so, is the principle changed when they are taken from any other quarter? Sir, so long as we are one nation, the same protection must be extended to every portion of the community.

One word more in reply to that gentleman, in behalf of my friend from Kentucky, (Mr. SHARPE,) who is detained by sickness from his seat in this House. I understand the gentleman from Virginia as saying that his (Mr. SHARPE's) constituents were so uninformed on political subjects as not to have known of the existence of the Orders in Council until last year.

[Mr. SHEFFY here explained, by saying that what he had said was in reference to a statement made by a member from Maryland at the last session, and not intending to make such charge himself.]

Mr. GRUNDY proceeded. It is then a matter of very little consequence; I will, however, suggest to the gentleman from Virginia, that he perhaps should be the last member on the floor, who should provoke an inquiry into the comparative degree of intelligence and information which is to be found in different districts. I well know that my friend's district would have nothing to fear from such a comparison with the district represented by the gentleman from Virginia.

We are told, that before the declaration of war, the minority warned the majority of the consequences that were to follow, and predicted all the unfortunate events which have taken place; true, sir, they did, and much more; they told us that Boston, New York, Philadelphia, Baltimore, Norfolk, and Charleston, would immediately be reduced to ashes, and the whole seaboard laid waste. What, sir, has been done? Havre de Grace, Frenchtown, and a few other inconsiderable villages have been destroyed; what else? "Let the blushing streets of Hampton answer!" Sir, the enemy has made no solid impression on the country; they have carried on a kind of warfare calculated to irritate and unite the American people in the prosecution of the war.

A gentleman from New York asserted that we are waging this war to protect a set of renegade Irishmen. Sir, he is mistaken. It is an American war, carried on to secure American rights, and I have the fullest confidence that the nation will support the majority in every

measure calculated to give vigor to it, until it can be brought to a just and honorable termination.

Mr. GASTON, of North Carolina, addressed the House as follows:

Mr. Chairman, I fear I am about to engage in a very injudicious attempt—I fear that the patience of the committee is exhausted, and that it would be idle to hope for their attention. It was originally my wish to claim their notice at an early stage of the debate; but I found this wish was not to be effected but by a competition for the floor, and I thought such a competition not justified by the nature of the remarks which I had to submit.

The object of the bill is to authorize a loan to the Government of the United States. The precise proposition before you is to declare what sum shall be borrowed; "twenty-five millions of dollars." Enormous as is the addition which is thus proposed to be made to our debts, could it be shown to be necessary to accomplish any purpose demanded by the honor and welfare of the country, it assuredly would meet with no opposition from me. Is a loan wanted, or revenue required to enable the Government to pay off its just engagements? To give security and protection to any part of our territory, or any portion of our citizens? To afford to our gallant Navy (that precious relic of better days) such encouragement and extension as may enable it more effectually to vindicate our rights on the element where they have been assailed? My voice and assistance shall be cheerfully rendered to obtain them. Let the present proposition be withdrawn, and let it be moved to fill the blank with such sum as shall be adequate to supply any deficiency of the revenue wanted for these purposes, and I will second the motion. Nay, sir, should the present proposition be rejected, (for while it is pending a smaller sum cannot be moved,) and none of those who are most conversant with the state of our finances should come forward with a further proposition, I will myself undertake to move the sum which shall appear competent to effect all these objects. But, sir, this enormous sum is wanted not for these purposes; it is avowedly not necessary, except to carry on the scheme of invasion and conquest against the Canadas. To this scheme I have never been a friend; but to its prosecution now, I have invincible objections, founded on considerations of justice, humanity, and national policy. These objections I wish to explain and enforce, and thus avail myself of an opportunity of discussing some of the most interesting topics which grow out of the alarming state of the nation. I fear that all I can do will avail nothing; but, sir, representing a respectable portion of the American people, who are suffering with peculiar severity from the pressure of this unfortunate and mismanaged war; who, with me, believe no good is to grow out of it, and who apprehend, from its continuance, evils, compared with which, all they have yet suffer-

ed are but trifles light as air; I should be unfaithful to them and myself if I did not interpose my best efforts to arrest the down-hill career of ruin. In performing this duty, I shall certainly say the things I do think. Endeavoring to use such language only as is consistent with self-respect and decency towards those who differ from me in opinion, I mean freely to exercise the right which belongs to my station.

Right! did I say, sir? The expression is inaccurate; once indeed there did exist in this House the right of free discussion. It was once deemed a constitutional privilege for every member to bring forward any proposition he deemed beneficial to the country, and support it by whatever arguments he could adduce; to offer amendments to the propositions of others, so as to render them, in his judgment, more unexceptionable; and to state the reasons of his dissent from any measure on which he was called to vote, and endeavor to impress his opinion on others. No doubt a vast portion of the good people of this Republic yet believe that such is the course of proceedings here. Little do they dream of the complicated machinery, by means of which every privilege except that of thinking is made to depend on the pleasure of the courtesy, the whim of the majority. By certain interpolations into our practice, but which nowhere show their hideous first front in our written code, the system of suppressing the liberty of speech is brought to a degree of perfection that almost astonishes its authors. A gentleman wishes to bring forward an original proposition; he must first state it, and obtain permission from a majority of the House to let it be considered, before he can show the propriety of adopting it, or ask even for a decision upon it. Thus is annihilated the right of originating a proposition. But a proposition is originated by others, it is passed through the ordeal of consideration, and he is desirous of amending its defects, or of exposing its impropriety. This is, perhaps, deemed inconvenient by the majority. It may give them trouble, or bring forward a discussion which they do not wish the people to hear, or detain them too long from their dinners. A new species of legerdemain is resorted to. The previous question, utterly perverted from its original and legitimate use, is demanded; the demand is supported by a majority. In an instant all the proposed amendments disappear; every tongue is so fettered that it can utter but ay or no, and the proposition becomes a law without deliberation, without correction, and without debate. And this process is called legislation! And the Hall in which these goodly doings are transacted is sometimes termed the Temple of Liberty! Sir, this procedure must be corrected, or freedom is rejected from her citadel, and wounded in her very vitals. Inconveniences also result to the majority from the tyrannical exercise of power, sufficient perhaps to counterbalance all the benefits which can be derived from it. Gentlemen

often complain that the minority do not pursue the practice which is adopted by minorities elsewhere. In England, say they, the Opposition address the House and the nation only on the great fundamental questions involving disputed principles, and do not hang on the skirts of every bill, fighting the Ministry through all the details of their measures. Why is not the same course pursued here? The answer is obvious. Here the minority are not allowed to bring forward these great fundamental questions; they have no opportunity of showing their views, except such as may be casually afforded by some measure of the majority, on which they are good natured enough to allow debate. Unless they avail themselves of such a bill in every stage of it, as a peg on which to hang their observations, they must be utterly mute. Thus happens, too, that there is frequently not any discernible connection between the topics discussed, and the subject supposed to be under debate. Perhaps the very course I am pursuing is an apt illustration of these facts. Some weeks since I submitted to the House a resolution which I thought eminently deserving of attention; a resolution "that pending our negotiation with Great Britain, it is inexpedient to prosecute a war of invasion and conquest of the Canadas." This resolution could not be discussed, for the House would not vouchsafe to it a consideration. But, as on the proposition now before you, debate is indulged, and has assumed a latitude that seems to permit every thing connected with the war, I am willing to embrace the occasion to support my favorite proposition to which a regular hearing has been refused. Grateful even for this opportunity, I acknowledge the courtesy which has been shown me by the majority; sorely as I feel the degradation of indirectly using as a favor what, as a freeman, and the Representative of freemen, I ought openly to enjoy as a right.

The "no search" clamor in England of 1737, which the gentlemen have produced the Parliamentary debates to prove, had about as much to do with the belligerent right to capture enemy's property conveyed in neutral ships, as the "no search" cry made about thirty years afterwards in the case of John Wilkes and general warrants. The dispute of 1737, with Spain, grew out of a municipal claim asserted by that Government, and of the rigorous practice of their guarda costas to search British vessels hovering on the coasts of the Spanish colonies for prohibited articles designed to be smuggled into them. A claim said to be repugnant to the Treaty of Seville, and certainly very inconvenient to the illicit trade between Jamaica and the Spanish main; and a practice enforced with all that barbarity which usually characterizes the minions of custom-house and revenue tyrants. How far the establishment of the gentleman's project would be beneficial to this country is perhaps not so clear. At a time when we had no capital to afford employment to our navigation, it certainly would have been advan

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tageous. But since that period has passed away, the most enlightened commercial men will tell you they wish for no such innovation. Its effect would be to give us, when neutrals, the benefit of being among the carriers of the commodities of the weaker maritime belligerent for freight. But the effect of the old principle is to give us the profit which results, not merely from the carriage, but the purchase and resale of these commodities, with almost a monopoly in either market.

The gentleman from Pennsylvania has assigned another cause for the war, in which he has obtained the concurrence of several of his friends—the instigation by the British Government of Indian wars. Although, sir, this theme of popular declamation has almost become trite—although the tomahawk and the scalping knife have been so often brandished with rhetorical ambi-dexterity, that their exhibition almost ceases to excite interest—yet, far be it from me to think or speak lightly of the cruelties of savage warfare, or to conceal my utter abhorrence and detestation of them. But it is a different, very different question, whether the Canadians have armed the Indians to join in defence against a common invader, or had, previously to war, instigated them to hostilities against us. This last charge I do not believe—no evidence has been given to warrant it that I have yet heard. Over the affair of Tippecanoe, the commencement of Indian war, there hovers a mystery which ought to be dissipated, but which the Government will not dispel. I have sought, honestly sought, for information. Of official there is little or none. From private sources not likely, in this respect, to mislead, (for they are friendly to this war, and connected with the Western interest and feeling,) I learn that the great cause of Indian hostilities is to be found where experience and history would prompt us to look for it—is to be found in our cupidity for their lands, and their jealousy and distrust of our superior intelligence and force. Indian wars have been, until a few years back, almost uninterrupted in this country, both before and since the Revolution. They need no other instigators than are to be found in the inconsistent views, interests, claims, passions, and habits, of neighboring yet distinct races of people. Sir, General Harrison's treaty of November, 1809, was the mine of the great Indian explosion. The Indians complained, I know not how justly, that in that treaty they were cheated of lands which the parties to it had no right to convey, and never meant to convey. There are gentlemen in this Legislature who know that Tecumseh immediately avowed his fixed purpose to vindicate by force and by union of the red men the rights of his tribe and the menaced independence of the whole race. And we all know (the fact is on record) that shortly after this treaty the British Governor General of Canada caused it to be officially communicated to the Government of the United States that the Indians

were meditating hostile designs. Sir, the holy command, "thou shalt not bear false witness against thy neighbor," applies even to an enemy. I will not sanction this charge without evidence, nor against evidence, lest I violate this high injunction. I am not a disciple of that new moral school which would construe this divine prohibition, as the gentleman from Tennessee (Mr. GRUNDY) has expounded the commandment, "thou shalt not kill," as a "mere municipal regulation, applying solely to the Jews."

But this war, say its advocates, nearly one and all, was declared to protect our seamen against impressment—in fashionable phrase, for "sailors' rights." There is no doubt, sir, that the conflicting claims of the two countries on the subject of seamen, and the occasional abuse of the practice of search for British seamen on board of American merchantmen, had excited serious dissatisfaction in America—yet I hazard nothing by the assertion, that the question of seamen was not a cause of this war. I remember full well the characteristic special pleading of the gentleman from Tennessee on this subject, at the last session, "that he really could not tell whether, if the Orders in Council had been repealed, we should have gone to war about seamen or not;" but, sir, I consider this as little more or less than adherence to a cautious form, as a protestando, by way of excluding a conclusion, or in the nature of the commencement of an answer to a bill in chancery, in which the defendant takes care to save to himself, now and at all times hereafter, all and all manner of benefit of exception to the errors that may be discovered in complainant's allegations. I am aware, too, of the very conspicuous blazon which is given to our sailor's wrongs in the President's war Message, and in the manifesto of the Committee of Foreign Relations. But this proves no more than that, when war was determined on, it was deemed advisable to make out as strong a case as possible, either to excite the sympathy of the world, or to rouse the indignation of our own citizens. The impressment of our seamen was grouped in the picture with the dearly-bought Henry-plot, the at least dubious excitement of Indian hostilities, and the adjusted controversy about constructive blockades.

No, sir, the question of seamen was not a cause of this war. More than five years had passed over since an arrangement on this question, perfectly satisfactory to our Ministers, had been made with Great Britain, but it pleased not the President, and was rejected. Yet, during the whole period that afterwards elapsed, until the declaration of war, no second effort was made to adjust this cause of controversy. From December, 1807, with very short intervals, we waged against Britain a commercial war to coerce her into an observance of the rights we claimed at her hands. In every step of this system, whether embargo, non-intercourse, or non-importation, we avowed the grounds of this contest, and the condition on

which it should terminate—the Orders in Council and their repeal. In April, 1809, the famous arrangement with Erskine was made, hailed by the well meaning as a second treaty of amity between the two countries; yet it contained nothing upon the question of seamen. In the President's communication to Congress, at the commencement of the war-session, November, 1811, enumerating, in no light tone, our controversies with Great Britain, and recommending preparations for war, the impression of seamen was not remembered. The Secretary of State was earnestly engaged in a correspondence with the British Minister, Foster, at the seat of Government, until the declaration of war; nay, until after it had passed the House of Representatives. The object of the correspondence avowedly was, to bring our differences to an amicable close. But, in this correspondence, the question of impression finds no place, except incidentally, not as a substantive topic of discussion. And, in the official communication from our Government to our Minister in Russia, stating the fact of a war declared against Great Britain, and alleging its justification, with a view to be communicated to the Russian Government, [Mr. Monroe's letter to J. Q. Adams, of July, 1812,] his justification is rested solely on the British Orders in Council. These, then, were emphatically and exclusively the cause of war. And had it not been for very many weighty considerations to be found in the state of the world, in the nature of the war in Europe, out of which proceeded this violation of neutral rights; in the conduct of the other mighty belligerent, her injuries, menaces and intrigues, and in the peculiar condition of this country, actually growing into unexampled prosperity under the very state of things of which we complained; had it not been for these, and considerations like these, that, trumpet-tongued, warned us from the gulf into which we were about to plunge, the Orders in Council would have justified the resort to war. At all events, they formed what might be termed a sufficient technical cause of hostilities, much better than often figures, with conspicuous effect, in the manifestoes of Princes, under the specious names of justice, independence, and violated rights. But, sir, scarcely had the fatal step been taken, and the destinies of our nation risked on the fortune of the sword, when the obnoxious orders were revoked, the causes of war removed, and an honorable opportunity afforded of returning to the happy state of peace, commerce, and successful enterprise. How grateful must not the Executive of a country, whose policy was fundamentally pacific, how grateful must it not have been for this happy rescue from the horrors of war! How rejoiced that all had been effected, without a struggle, which it was the object to obtain by a bloody and precarious contest! Exulting to show, that when it unsheathed the sword, not passion but duty urged the reluctant deed, surely it hastened to return the unstained weapon to the scab-

bard, and extend the blessed olive branch of peace. Was it so? Sir, I never can think of the conduct of the Executive upon this occasion, without mingled feelings of surprise, regret, and anger. It cannot be accounted for but by an infatuation the most profound; an infatuation which is not yet dissipated, and which should fill every breast with apprehensions of that dreadful result, which in the wisdom of Providence, is preceded by the "darkened counsels" of rulers.

But it is entirely a mistake, says the gentleman from Pennsylvania. The Orders in Council never were revoked; they were, indeed, withdrawn, but under a declaration asserting the right to re-enact them, should the violence of France, acquiesced in by America, renew the necessity for them. Will the Administration, sir, bring forward this excuse? Will they take this ground? No, sir, they cannot; they dare not. The President has told the nation, that the revocation of the orders was substantially satisfactory; in his peculiar phraseology: "The repeal of the Orders in Council was susceptible of explanations meeting the just views of this Government." How could he do otherwise after his proclamation of the 2d November, 1810, declaring the French edicts so revoked as to cease to be injurious to our rights; a proclamation founded solely on the letter of the Duc de Cadore, of the 5th August, promising a revocation? Does the gentleman recollect the celebrated "*Bien entendu*," or proviso annexed to this letter: "Provided, that in consequence of this declaration, the British Government shall revoke their Orders in Council, and renounce their new principles of blockade, or America shall cause her rights to be respected, conformably to the act which you have communicated?" Does the gentleman remember the tortuous and labored efforts of Mr. Secretary Monroe to explain this proviso into a condition subsequent? To prove that it was designed only to exert the right of France to re-enact these decrees if Great Britain should persist in her orders, and we forbear from resisting them? Such a condition, subsequently annexed to a promised revocation of the French decrees, had no effect to impair its force; but the same annexed in terms to the actual revocation of the British orders, renders it entirely null! No, sir, the Executive cannot take this ground; his direct friends will not take it for him. In the emphatic language of the eloquent Junius, this would indeed "resemble the termagant chastity of a prude, who prosecutes one lover for a rape, while she solicits the lewd embraces of another."

But can it be urged, say the gentlemen, that the revocation of the Orders in Council removed all our causes of complaint, and left us nothing more to demand of the enemy? No, sir, this is not urged. But it is contented that, as the revocation of the Orders in Council removed the cause of war, hostilities should instantly have been suspended, and a fair, manly effort made to settle by negotiation all unadjusted

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differences which had not caused the war. A question of much importance and delicacy remained to be settled in relation to the search for British seamen on board our merchant vessels, and the occasional impressment of Americans. Under every Administration of our country this question had excited great interest, and been attended with much difficulty. Of late, indeed, it had, in some degree, lost its interest, and partly because of the comparative rare occurrence of the practice. The restrictive anti-commercial system had expelled native and foreign seamen in vast numbers from our country, and almost removed the temptations to an exercise of what the British claimed as a maritime right. For five years before the war the dispute had in fact slept. Subjects more important pressed themselves on our notice, and while these pressed, that was postponed as a matter for future arrangement. But out of these new subjects a controversy arose which issued in war. It had scarcely been declared before the matter in controversy was arranged to our satisfaction by the voluntary act of the enemy. What was our plain; obvious course; the course of duty and of policy? Sheathe the sword until it is ascertained whether the dispute which had been laid aside for future arrangement, and which, in consequence of the adjustment of more pressing concerns, is now properly presented to notice, can or cannot be amicably settled. Even tyrants pronounce war the "*ultima ratio regum*," the last resort of Princes. Nothing can justify the exercise of force but the inability to obtain right by other means. You had not supposed your just claims on the subject of seamen unattainable by negotiation, or you would not have reserved them for years as a subject for negotiation; and if they be thus attainable, how will ye answer to God and the country for the blood and treasure uselessly, criminally expended? This mode of thinking, sir, seems to me very straight, and quite in accordance with the good old notions of practical morality. Besides, it is the incumbent duty of him who seeks justice, first to render it. Whatever our claims on Great Britain might have been in relation to seamen, she was not without her claims on us. At a time when her floating bulwarks were her sole safeguard against slavery, she could not view, without alarm and resentment, the warriors who should have manned those bulwarks, pursuing a more gainful occupation in American vessels. Our merchant ships were crowded with British seamen; most of them deserters from their ships of war, and all furnished with fraudulent protections to prove them American. To us they were not necessary; they ate the bread and bid down the wages of native seamen, whom it was our first duty to foster and encourage. To their own country they were necessary, essentially necessary. They were wanted for her defence in a moment of unprecedented peril. Ought we not, then, while seeking to protect our own seamen from forced British

service, to have removed from her seamen the temptation to desert their country and to supplant ours at home? Why need I ask the question? Your seamen's bill, as it is called, enacted into a law since the war, is an acknowledgment that this ought to have been done. However deceptive some of its provisions may appear, its very principle is to restore to Great Britain her seamen, and save our own from her service. Unless you believe this principle right, it was the meanest of degradations, at such a time, to pass such a law; and if it was right, then you had justice to render, as well as to seek. Had you pursued this plain path of right; had you suspended hostilities, you would have consulted also the true policy of your country. An unconditional proposition for an armistice, upon the revocation of the orders, or an unconditional acceptance of the offer for an armistice, would have passed for magnanimity. The disgraces which have since foully stained our military character were not then anticipated. The world would have believed, your enemy would have believed, that you suspended your career of conquest because the war had owed its origin not to ambition, but to duty; because you sought not territory, but justice; because you preferred an honest peace to the most splendid victory. With the reputation of having commanded, by your attitude of armor, a repeal of the offensive orders, you would have evinced a moderation which must have secured the most beneficial arrangements on the question of seamen.

It is not for me to say in what manner the dispute about seamen is to be settled. On this subject I have no hesitation, however, in giving my general sentiments. It is the duty of this Government to protect its seamen (I mean its native seamen) from the forced service of any and every power on earth, so far as the strength of the country can obtain for them protection. True it is, that in my opinion the number of impressed Americans bears no reasonable proportion to the number alleged. I live in a State which, though it carries on not an extensive foreign commerce, has many native seamen. At the moment of the declaration of war, the inquiry was made whether a single native seaman of North Carolina was then detained by British impressment. I could hear of none. I know that during our restrictive system many of our sailors entered voluntarily into the British service, and, when tired of it, complained that they had been impressed—instances have actually occurred at Plymouth and at London, of men surrendered as impressed Americans, who afterwards boasted that they had cheated their King. In the battle, I think, of the President and the Little Belt, a neighbor of mine, now an industrious farmer, noticed in the number of the slain one of his own name. He exclaimed, there goes one of my protections. On being asked for an explanation he remarked, that in his wild days, when he followed the sea, it was an ordinary mode of procuring a little spending

money to get a protection from a notary for a dollar, and sell it to the first foreigner whom it at all fitted for fifteen or twenty. The protected alien assumed, of course, the American name, and, if impressed, claimed to be liberated under it. The examinations which have been had before the committee of the Massachusetts Legislature, and especially that of William Gray, confirm the belief that the number of impressed Americans has been exaggerated infinitely beyond the truth. But their number has been large enough to render the grievance a serious one; and, be they more or less, the right to the protection of their country is sacred, and must be regarded. The Government would forfeit its claims to the respect and affection of its citizens, if it omitted any rational means to secure the rights of American seamen from actual violation. Seek to obtain this security by practical means. If you cannot, by substitute, obtain an abandonment of the right or practice to search our vessels, regulate it so as to prevent its abuse—waiving for the present, not relinquishing, your objections to the right. Do all that can fairly be asked of you to supersede the necessity of the practice. When this is done, and you should nevertheless fail—when war is rendered necessary to obtain a practical and reasonable security for American seamen, against the abuses of impressment, then, sir, that war is just. Whoever may question its expediency, none who admit that wars may ever be justly waged can feel any conscientious scruples in yielding it support. This, sir, is no late opinion of mine. It has been long and publicly avowed—not indeed as a pledge to my constituents, as my friend and colleague (Mr. MURFREY) has remarked—we do not deal in pledges—but because it is my habit to be frank when no duty commands concealment. Nor is it strange that I should feel attached to the rights of American sailors. I am a native of the seaboard. Many of the playmates of my infancy have become the adventurous ploughmen of the deep. Seafaring men are among my strongest personal and political friends. And for their true interests, their fair rights, I claim to feel a concern as sincere, and a zeal as fervent, as can be boasted by any gentleman from the interior, or from beyond the mountains, who has heard of them but knows them not.

Has the prosecution of your scheme of invasion and conquest against the Canadas a tendency to secure these rights and advance these interests? This, sir, is a momentous question, on which it is the duty of every man in authority to reflect dispassionately, and with a fixed purpose to attain the truth. Unless this tendency be manifest, and morally certain, every motive which can be addressed to an honest heart and intelligent mind forbids its prosecution at the present moment. Make a fair comparison of its certain or probable ills with its possible gains, and then pronounce the sentence which justice, humanity, and policy de-

mand; and a suffering nation will bless your decision.

It is not my design to consider the immense expenditure which this scheme has cost, and which a continuance of it will cost to this country. Well worthy is this topic of consideration, especially at a moment when industry is without encouragement, and external revenue is utterly destroyed. But it has been examined with great ability by gentlemen who have preceded me, especially by the gentlemen from Connecticut and Virginia, (Mr. PITKIN and Mr. SHEFFEY,) and contenting myself with an earnest request, that their remarks be not forgotten, and that in your zeal for conquest you do not beggar your people, I hasten to present other views which have not been so fully unfolded.

There is something in the character of a war made upon the people of a country to force them to abandon a Government which they cherish, and to become the subjects or associates of their invaders, which necessarily involves calamities beyond those incident to ordinary wars. Among us some remain who remember the honors of the invasion of the Revolution—"and others of us have hung with reverence on the lips of narrative old age as it related the interesting tale." Such a war is not between those only who seek for renown in military achievements, or the more humble mercenaries "whose business 'tis to die." It breaks in upon all the charities of domestic life, and interrupts all the pursuits of industry. The peasant quits his plough, and the mechanic is hurried from his shop to commence without apprenticeship the exercise of the trade of death. The irregularity of the resistance which is opposed to the invader, its occasional obstinacy and occasional intermission, provoking every bad passion of his soldiery, is the excuse for plunder, lust, and cruelty. These atrocities exasperate the sufferers to revenge; and every weapon which anger can supply, and every device which ingenious hatred can conceive, is used to inflict vengeance on the detested foe. There is yet a more horrible war than this. As there is no anger so deadly as the anger of a friend, there is no war so ferocious as that which is waged between men of the same blood, and formerly connected by the closest ties of affection. The pen of the historian confesses its inability to describe, the fervid fancy of the poet cannot realize, the horrors of a civil war. This invasion of Canada involves the miseries of both these species of war. You carry fire and sword amongst a people who are "united against you (say your Generals) to a man"—amongst a people who, happy in themselves, and satisfied with their condition, view you not as coming to emancipate them from thralldom, but to reduce them to a foreign yoke. A people long and intimately connected with the bordering inhabitants of our country by commercial intercourse, by the ties of hospitality, by bonds of affinity and blood—a people, as to every social and individual purpose, long

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identified with your own. It must be that such a war will rouse a spirit of sanguinary ferocity, that will overleap every holy barrier of nature and venerable usage of civilization. Where will you find an authenticated instance of this ferocity, that more instantaneously compels the shuddering abhorrence of the heart, than the fact asserted by my eloquent friend from New Hampshire? (Mr. WEBSTER.) "The bayonet of the brother has been actually opposed to the breast of the brother." Merciful Heaven! That those who have been rocked in the same cradle by the same maternal hand—who have imbibed the first genial nourishment of infant existence from the same blessed source, should be forced to contend in impious strife for the destruction of that being derived from their common parent! It should not be so! Every feeling of our nature cries aloud against it!

One subject is intimately connected with this Canadian war, which demands the most thorough and deliberate examination. I tremble to approach it thus incidentally, lest I injure the cause of humanity and truth, by a cursory vindication. And yet I dare not altogether omit it, because I fear an opportunity of full consideration will not be presented, and it is of an urgency and a magnitude that forbid it to be overlooked. I mean, sir, the falsely-called system of retaliation, which threatens to impart to the war a character of barbarity which has not its parallel in the modern annals of Christendom. Twenty-three persons of our invading army who were taken prisoners by the enemy at the battle of Queenstown, in Canada, have been sent to England as British subjects, to be tried for treason. To deter the enemy from executing the law upon these unhappy men, our Executive has ordered into close custody, an equal number—not of American citizens invading our country—(this would, indeed, be retaliation)—but of British prisoners who have committed no crime. It is avowed that these shall be put to instantaneous death, if the men sent to England should be convicted and executed. The British Government has proceeded, in return, to confine a corresponding number of Americans, as hostages for the safety of the British prisoners, under the same determination and avowal. This has again been retaliated on our side, and the retaliation retorted by the enemy, so that an indiscriminate and universal destruction of the prisoners on each side is the menaced consequence of the execution of one of the presumed Englishmen ordered home for trial.

With the fundamental laws of England in relation to this subject, we have a perfect acquaintance. In general, every man is there at liberty to quit the kingdom, to pursue abroad such occupations, and enter into such engagements as he may find beneficial; but on the express condition that he shall not violate his faith to his sovereign, the first great duty of which is, not to invade his territories and war against his subjects. I was surprised to hear a gentleman from Kentucky, whose good sense and independ-

ence I much respect, (Mr. MONTGOMERY,) argue that the permission to a British subject to leave his country, was an implied consent that he might throw off all allegiance to it. Such an implication is done away by the very terms of the permission. The law is as old as Magna Charta, and has been uniform down to this day. "*Licuit unicuique de cetero exire de regno nostro, et redire salvo et secure, per terram et per aquam, salvo fide nostra.*"—23d article Abbott's edition of Magna Charta. "It may be lawful for every one hereafter to go out of our kingdom, and return safely and securely, by land and by sea, saving his faith to us." In the reign of Elizabeth, occurred the case of Dr. Story, which gentlemen will find accurately reported.—2d *Dyer*, 298, b. 304. A native of England, he had long quitted that country; had become a subject of Philip of Spain, and had actually been received as Ambassador, from Philip at the English Court. He was indicted for treason; he pleaded the fact of his having become a Spanish subject; the plea was overruled; he was convicted and executed. The case of Colonel Townly occurred in 1746. He was indicted for treason in aiding in the rebellion of 1745; was convicted and executed; notwithstanding the fact of his having become a French subject, and bearing a French commission. The case of Aneas McDonald, in the same year, was more remarkable. He had left Scotland, his native land, a mere infant, and ever afterwards resided in France. As a subject of the King of France, and an officer in his army, he accompanied the Pretender in 1745; was taken prisoner, indicted for treason, and convicted. He was, indeed, not executed. The hardship of his fate excited commiseration; and, upon the recommendation of his jury to mercy, his sentence was commuted to perpetual banishment. It is vain to multiply proofs. Nothing can be more certain than the English law, in relation to its subjects naturalized abroad, waging war against their country. The law of France is more strict, and equally precise. The edict of Trianon, of 28d August, 1813, with great decision, declares—"No Frenchman can be naturalized abroad without our consent," (that is of the Emperor;) and that "Frenchmen naturalized abroad even without our permission, can at no time carry arms against France, under pain of being indicted in our courts, and condemned to the punishment enacted in the penal code."—Book 3, c. 57. During the French Revolution, in 1795, a corps of emigrants, whom oppression and brutal violence had compelled to quit their country, formed themselves into an army in the pay and employment of Britain, and as such engaged in the ill-fated expedition to Quiberon. They were made prisoners, and executed as traitors. What is our own law? In every State of the Union, except Virginia, it is precisely the law which obtains in Great Britain—no man shall exempt himself from the obligation not to war against his country; and, in Virginia, even, he can only

get rid of this obligation by observing the stipulated forms which its law prescribes. Naturalization granted in another country has no effect whatever to destroy his original primary allegiance. A gentleman from Virginia (Mr. EPPER) informed us that, under a British statute, two years voluntary service in their navy, *ipso facto*, naturalized a foreigner. Be it so, sir. Let us suppose that during our restrictions on commerce, an American citizen, a Virginian for instance, who had not gone through the stipulated formalities of expatriation, had entered on board the British navy, and after serving there two years, and thus becoming a naturalized subject of George III., had infamously joined in the invasion of his native land. Suppose this miscreant taken prisoner, heading a hostile band at the burning of Havre, or at the atrocious outrages of Hampton, and arraigned for treason in levying war against the United States, what defence could be made for him? Is there a gentleman in the House, with any pretensions to legal science, who will so far hazard his reputation as to allege that a defence could be made for him? Is there a judge in our land, from those who adorn the bench of our Supreme Court down to the humblest in capacity and office, who could be even amused by the miserable sophistry that naturalization in Britain repealed our law of treason? No, sir, the traitor would be condemned—inevitably condemned; and if the President were frightened from executing the sentence, by an insolent threat from Britain to put innocent Americans to death in revenge for the just doom of the convict, he would encounter the contempt and execration of his country. How is it, then, that we undertake, by such menaces, to deter the enemy from executing a like law, under like circumstances, against her unnatural children?

Unless I am greatly deceived, the law of England must be suffered to have its course with the individuals, if natives of England, and migrating to us since the Revolution, who are sent thither for trial. Whether they ought to be executed, if convicted, is a very different question. Considering the intimate connection with common origin, language, and manners, and intimate commerce, has heretofore induced between the countries, and the consequent interchange of their inhabitants; remembering, too, that general laws are often cruel in their application to particular cases, the Executive authority in that country is bound by the strongest motives to consult the dictates of humanity, and forbear the too rigorous exercise of right. But if these considerations should not there prevail, and the severe penalty of the law of treason is exacted, as of right it may be, shall we, without right, without the semblance of law, coldly murder those who are in our power who have committed no treason against us, and against whom crime is not pretended? Is this called retaliation? Britain executes British traitors serving in the American army, regularly tried and convicted of treason, and we, in return, ex-

ecute—whom? American traitors, serving in the British army, and convicted of treason? No, but faithful loyal men, bearing arms in the cause of their native country! tried by no law! offenders against no law! Sir, the pretension is monstrous? I have met with no instance of such a pretension being ever asserted in a civilized country. Did Philip of Spain retaliate in this way for the execution of Dr. Story? Did France retaliate for the execution of Colonel Townly? Did Britain thus retaliate for the execution of the French emigrants taken at Quiberon? I have heard it said that Napper Tandy, an Irishman, naturalized in France, was surrendered upon a threat of retaliation from France. I doubt the fact—the only evidence of it is in a note to an evidently partial and one-sided account of his trial in a collection of Curran's Speeches. In no authentic register have I been able to find it. But, if it were true, the note itself states that the ground on which he was demanded, was not that he had been naturalized by France, and therefore not liable to be executed for treason; but because he had been unjustly seized at Hamburg, in neutral territory, and ought to be returned. Theobald Wolfe Tone, Tandy's associate; and, like him, an officer of France, but not like him, arrested in a violated neutral territory, was neither demanded nor delivered. Condemned to death, he changed the mode of its execution by committing suicide. And shall my country, claiming to excel in humanity, as it excels in freedom, the nations of Europe, shall it be the first to avow a monstrous, unfounded pretension, and vindicate it by innocent blood? Shall it teach a lesson of barbarity to the hardened chieftains of slaughter, of which they were before ignorant? Shall it seek to protect foreigners from the vengeance of their sovereigns, at the cost of immolating its own native citizens? Shall it doom a revolutionary Winchester, or a gallant Winder, to a shameful death, because it cannot save alien traitors from their legal fate?

Think for a moment, sir, on the consequences, and deem it not unworthy of you to regard them. True courage shuts not its eyes upon danger or its results. It views them steadily, and calmly resolves whether they ought to be encountered. Already has this Canadian war a character sufficiently cruel, as Newark, Buffalo, and Niagara can testify. But when the spirit of ferocity shall have been maddened by the vapor steaming from the innocent blood that shall stagnate around every depot of prisoners, then it will become a war, not of savage, but of demoniac character. Your part of it may perhaps be ably sustained—your ways through the Canadas may be traced afar off by the smoke of their burning villages—your path may be marked by the blood of their furious peasantry—you may render your course audible by the frantic shrieks of their women and children. But your own sacred soil will also be the scene of this drama of fiends. Your exposed and defenceless seaboard, the seaboard of the

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South, will invite a terrible vengeance. That seaboard which has been shamefully neglected, and is at this moment without protection, has been already invaded. But an invasion, after the war shall have assumed its unmitigated form of carnage and woe, and wickedness, must be followed with horrors which imagination can but faintly conceive. I will not trust myself to tell you all I feel, all my constituents feel, upon this subject. But I will say to the gentleman from Pennsylvania, that when he alludes to the probability that an intestine foe may be roused to assassination and brutality, he touches a chord that vibrates to the very heart. Yes, sir, I live in a State whose misfortune it is to contain the materials out of which may be made such a foe—a foe that will be found every where—in our fields, our kitchens, and our chambers; a foe, ignorant, degraded by habits of servitude, uncurbed by moral restraints—whom no recollections of former kindness will soften, and whom the remembrance of severity will goad to frenzy—from whom nor age, nor infancy, nor beauty, will find reverence or pity—and whose subjugation will be but another word for extermination. Such a foe, sir, may be added to fill up the measure of our calamities. Let me not be misunderstood—let no gentleman misconceive my meaning. Do I state these consequences to intimidate or deter you? I think better of my countrymen. I hope and believe, in the language of Wilkinson to Prevost, the Americans will not be deterred from pursuing what is right by any dread of consequences. No, sir, I state them to rouse your attention and awaken your scrutiny into the correctness of the course you are pursuing. If on mature deliberation you are sure that you are right, proceed, regardless of what may happen.

*"Justum et tenacem propositi virum—
Si fractus illabatur orbis,
Impavidum ferient ruinae."*

"The man resolv'd and steady to his trust,
Inflexible to ill, and obstinately just ;

* * * *

From orbs convuls'd should all the planets fly,
World crush on world, and ocean mix with sky ;
He, unconcern'd, would view the falling whole,
And still maintain the purpose of his soul."

But reflect well, I conjure you, before reflection is too late. Let not passion or prejudice dictate the decision; if erroneous, its reversal may be decreed by a nation's miseries, and by the world's abhorrence.

Mr. Chairman, turning from the gloomy view of the effects of the Canada war, my attention is arrested by another consequence likely to follow from it, on which I will not long detain you, but which is not less interesting nor less alarming. In proportion as gentlemen become heated in their pursuit of conquest, and are baffled in their efforts to overtake it, the object becomes valuable in their estimation, and success is more identified with their pride. The

conquest of Canada, contemplated as an easy sport, without a fixed design either to keep it, to secure, or surrender it to purchase rights, has from its difficulty swelled into an importance which causes it to be valued above all rights. Patriotism was relied on to fill the ranks of the invading army; but it did not sufficiently answer the call. These ranks, however, must be filled—avarice is next resorted to—the most enormous price is bid for soldiers, that was ever offered in any age or country. Should this fail, what is the next scheme? There is no reserve or concealment. It has been avowed that the next scheme is a conscription. It is known that this scheme was recommended even at this session by the War Department, and that it was postponed only to try first the effect of enormous bounty. The freemen of this country are to be draughted from the ranks of the militia, and forced abroad as military machines, to wage a war of conquest! Sir, I have been accustomed to consider the little share which I have in the Constitution of these United States, as the most valuable patrimony I have to leave to those beings in whom I hope my name and remembrance to be perpetuated. But I solemnly declare, that if such a doctrine be ingrafted into this constitution, I shall regard it as without value, and care not for its preservation. Even in France, where man, inured to despotism, has become so passive and subservient as almost to lose the faculty of feeling oppression, and the capacity to perceive it, even there, sir, the tyranny of conscription rouses him to the assertion of his innate freedom, to struggle against slavery in its most malignant form. No, sir, not the dread of all the severe punishments ordained for refractory conscripts, not the "*peine du bûlet*," the "*travaux publics*," nor death itself, can stupefy him into seeming submission. He yields only to absolute force, and is marched to the field of glory manacled and handcuffed. And is such a principle to be introduced into our benign, our free institutions? Believe me, the attempt will be fatal—it cannot succeed but by military terror—it will be the signal for drawing the sword at home. Americans are not fitted to be the slaves of a system of French conscription, the most detestable of the inventions of tyranny. Sir, I hear it whispered near me, this is not worse than the impressment of seamen. It is worse, infinitely worse. Impressment forces seamen to serve in the public ships of their country, instead of pursuing their occupation in the merchant service. It changes their employment to one more rigorous, of longer continuance, of greater danger. But it is yet employment of the same kind—it is yet employment for which they are fitted by usage and education. But conscription is indiscriminate in the victims of its tyranny. The age, not the pursuit, of the conscript is the sole criterion of his fitness. Whatever be his habits, whatever his immediate views, whatever his designed occupation in life, a stern mandate tears him from

the roof of his father, from the desk, the office, the plough, or the workshop, and he is carried far from home to fight in foreign climes the battles of ambition. But, sir, if conscription were not worse than impressment I should not lose my objection to it—I am not prepared to assent to the introduction of either conscription or impressment into my country. For all the British territories in the Western world, I would not. Fight for sailors' rights—yet rivet on our citizens a French conscription! Fight for rights on the ocean, and annihilate the most precious of all rights at home—the right of a free man never to be forced out of his own country! How alarming is the infatuation of that zeal, which in its ardor for attaining its object, tramples in the dust objects of infinitely higher price!

SATURDAY, February 19.

Claims of Moravians.

Mr. ROBERTS, of Pennsylvania, presented a petition of John G. Cunow, acting in behalf of the missionary concerns of the Society of United Brethren, commonly called Moravians, praying compensation for depredations committed on the property of the Indians, who had incorporated themselves into their society, by the army commanded by General Harrison, at the Moravian towns in Upper Canada.

Mr. ROBERTS moved to refer the petition to a select committee.

Mr. DESHA, of Kentucky, said that to his knowledge several Indians of the very tribe alluded to in the petition had been killed in arms against us, and therefore were not entitled to particular consideration. Their town had been destroyed, it was true, and in his opinion very properly. This tribe, Mr. D. said, had always been hostile; they had lived on the Muskingum and on the Sandusky, and had since removed to Canada; but had in all situations evinced hostility to us. He therefore moved that this petition lie on the table.

Mr. ROBERTS said he knew nothing of the circumstances of the case which this petition was intended to bring before the House. It was sufficient for him, to insure his attention to the petition, that the petitioner was a citizen of the United States, and acting in behalf of a respectable community; and he hoped, however much the gentleman might know of the facts connected with this case, he would allow it to take the ordinary course and be referred to a committee, in order to examine whether it was in the power of Congress, compatibly with justice, to afford any relief to the petitioners.

Mr. DESHA said the fact he had stated could not be questioned; but, as the gentleman wished to inquire into the circumstances, he had no objection to withdraw the motion to lay the memorial on the table.

Mr. McKIM, of Maryland, rose to renew the motion. He said it was much to be regretted that in the prosecution of the war any religious

society should sustain a loss in its property, and particularly the United Brethren, who were generally a most inoffensive and well-disposed people. In the prosecution of the war, their town and property was represented to have been destroyed. But this property was within the settlements of the enemy, and exposed, according to the usages of war, to injury from an invading force. We also, said he, have had some villages destroyed; but none of our citizens, that I have heard of, have thought proper to petition the Parliament of Great Britain for remuneration for the destruction of their property; and if they had, it would be thought a curious procedure. At the conclusion of the war, some mutual indemnity might be provided for sufferers of this character; but until that time, and in any other manner, he did not believe the petitioners could obtain relief.

Mr. ROBERTS said he was still convinced of the propriety of referring this petition. The persons living in the towns destroyed were Indians, within the British jurisdiction, indeed located on lands ceded to them by the British Government, but not under its authority. They were attached to the Society of the United Brethren by its missionaries, and were entirely free and independent of the Canadian Government. In the late expeditions against the hostile Indians, their settlements had been destroyed; and he thought there could be no impropriety in inquiring, whether, consistently with justice, any indemnity could be allowed them.

The motion to lay the petition on the table having been withdrawn, it was referred to a select committee.

National Bank.

Mr. TAYLOR, of New York, from the Committee of Ways and Means, reported a bill to incorporate the stockholders of the National Bank; which was twice read, and committed.

MONDAY, February 21.

The Loan Bill.

The House then resumed the consideration of the report of the Committee of the Whole on the bill authorizing the loan for 1814.

Mr. YANCEY, of North Carolina, with a view to allow the discussion to progress with the same latitude as it had commenced, since it appeared to be agreed that it was not yet to terminate, moved to recommit the bill to a Committee of the whole House.

This motion was opposed by Mr. DESHA, of Kentucky, on the ground that it could be as well discussed in the House as in committee. Besides, it had already been discussed nearly two weeks, and every subject but the loan had been drawn into debate; and if the bill was retained in the House, it would be in its power to terminate debate by the previous question—a power not belonging to the Committee of the Whole.

The motion was advocated by Mr. ERRE, of

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Virginia, who said he did not believe the recommitment would delay the bill for a single hour, because the house would at any time have power to refuse leave to the committee to sit on it again whenever it chose.

The question on recommitment having been taken by yeas and nays, was decided in the affirmative.

TUESDAY, February 22.

Treasury Notes.

The engrossed bill to authorize the issuing of Treasury notes for the year 1814, was read a third time.

Mr. HALL, of Georgia, moved to recommit the bill, with a view to introduce an amendment similar to that he had yesterday offered, changing the smallest amount of the bills to be issued to ten dollars instead of five.

This motion was supported by Mr. GOLDBOROUGH, of Maryland, with different views, arising out of the latitude of expression of some provisions of the bill, and was opposed by Mr. EPPES of Virginia.

The motion was negatived by a considerable majority.

The question on the passage of the bill was then decided by yeas and nays, as follows:

YEAS.—Messrs. Alexander, Alston, Archer, Avery, Barnett, Beall, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Comstock, Conard, Crawford, Culpeper, Cuthbert, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Farrow, Fisk of New York, Forney, Forsyth, Franklin, Goldsborough, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Ingham, Irving, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kilbourn, Lefferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, Montgomery, Moore, Newton, Ormsby, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Skinner, Smith of Pennsylvania, Tannehill, Taylor, Troup, Udree, Ward of New Jersey, Williams, Wilson of Pennsylvania, Wood, Wright and Yancey—83.

NAYS.—Messrs. Bigelow, Boyd, Bradbury, Breckinridge, Brigham, Caperton, Champion, Cilley, Cooper, Cox, Davenport, Davis of Massachusetts, Dewey, Ely, Geddes, Grosvenor, Hanson, Howell, Hufty, Jackson of Rhode Island, Kent of New York, Law, Lewis, Lovett, Markell, Miller, Moffitt, Mosely, Pearson, Pickering, Post, John Reed, Shaffey, Sherwood, Shipard, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, White, Wilcox, and Wilson of Massachusetts—48.

WEDNESDAY, February 23.

On motion of Mr. MCKEE, the House then resolved itself into a Committee of the Whole, on the bill for the final adjustment of land titles in the State of Louisiana and Territory of Missouri, which was reported to the House with amendments, and was ordered to lie on the table.

On motion of Mr. HEMPERLEAD, the Committee

on the Judiciary were instructed to inquire whether any, and if any, what alterations or amendments are necessary to be made to the act, entitled "an act providing for the government of the Territory of Missouri," with leave to report by bill, or otherwise.

The Loan Bill.

The House again went into Committee of the Whole, on the Loan bill.

Mr. FORSYTH, of Georgia, concluded the speech which he commenced yesterday; which is given entire as follows:

Mr. Chairman, every day's experience must have satisfied the gentlemen of the minority, that no opposition to this bill or to any other measure intended to give vital energy to the contest in which the country is engaged, can be successful here. Whence, then, arises this extraordinary display of industry and of ingenuity? Is it that they intend on this question to enter upon their defence for their irregular and unprecedented course pursued since the commencement of the war? In this view, the subject is indeed interesting—worthy of all the labor and all the talents bestowed upon it. To conduct it to a successful issue, will require a portion of industry never yet equalled—a degree of ingenuity never yet surpassed. In the brief examination of some of the topics of discussion, I wish it to be understood that my object is not to prove that the conduct of the Government has been correct; but to show that the opposition is not justifiable upon any of the principles assumed for its defence. The honor of the Government is not yet sunk so low as to require a labored defence of their measures at the bar of the public. The evidence has long since been exhibited to the proper tribunal; sentence of acquittal upon that evidence has been pronounced by the present generation, and more impartial posterity will but confirm the judgment.

The passage of this bill is resisted on the same beaten grounds which have been occupied on all other questions relative to the war. The injustice of the contest in its commencement—the injustice of continuing it after the repeal of the Orders in Council—the impracticability of effecting the objects for which it is carried on. That there was sufficient cause of war against Great Britain, I have not heard denied. In this assembly, at least, I presume there cannot be found an individual whose understanding is so thoroughly perverted, whose heart is so perfectly corrupt, as to believe that Great Britain has done us no essential injury. But while sufficient cause of war is said to have existed, while great injuries are admitted to have been committed, and were daily accumulating, the war is still affirmed to have been relatively unjust. Ask for the evidence of this relative injustice, and the answer you receive is a torrent of declamation against the Corsican usurper, the violator of the honor and integrity of nations. Describe the injuries and enormities

of England, and your attention is invited to the insults and aggressions of France. There are in this community singular politicians who conceive the injuries and insults of France and England, like the equal quantities in the calculation of algebraic fractions, as of no other use than to extinguish each other. For my part I do not understand this political algebra. I rejoice that I do not. On this subject ignorance is virtue and knowledge crime. I will not detain you by any attempt to show the variance in magnitude of the injuries received from the two nations. I will not inquire which of the two commenced the systematic violation of the rights of neutral commerce. It is perfectly indifferent how the account stands on this question. Admitting them to be equal in time and in degree of enormity, the aggressions of one power are no justification of the encroachments of the other. Indeed, every attempt on the part of our Government in their correspondence with the Ministers of the two belligerents to discuss these questions was degrading—only to be excused from the purity of its motives, the love of peace. A more refined and specious argument is used to prove this relative injustice drawn from the nature of the contest in which England was engaged; she is represented as fighting for their existence; and any injuries incidental to the measures adopted by her in the prosecution of this cause ought to have been borne without repining by neutrals whom she did not intend to injure. I have yet to learn the difference between the British and French ambition. I have not yet seen, and the history of latter times does not show, the evidence of the justice of the cause of Great Britain. The simple statement of the dispute between the rival powers is, that France, not satisfied with stretching her giant arms over the Continent of Europe, desired to partake of the dominion of ocean. Great Britain, riding triumphantly on the mountain wave, wished her power and influence to extend to the centre of the Continent. In the desire of lawless power; in the perfect disregard of the morality of the means by which these ends were to be accomplished, a feather will turn the balance between them. The means of effecting their objects were easily found. France, having no power on the ocean, was contending for the liberty of the seas. England, destitute of continental influence, was contending for the liberty of the Continent. In the prosecution of their darling project, armies covered the Continent until their march was stopped by the barrier of Russian steel. England by her naval superiority has reduced all the valuable colonial possessions of the continental powers, and is now in the quiet enjoyment of the bloodless conquests. In the increase of the means of sustaining the contest, England had far exceeded France at the commencement of the first campaign against Russia. The true interest of the United States was, that the two rivals should remain in the same state, or that the overgrown power of each

should be lessened. There is nothing in the cause of either that demanded our sympathy or claimed our forbearance. But we are told that the naval supremacy of Great Britain is necessary, not to her preservation alone, but to the preservation of the liberties of the world. It was the only barrier to the universal dominion of the Corsican. Europe would first be desolated by his legions, and then we should have been swallowed up in the vortex of his ambition. I will not deny the necessity of naval superiority to the safety of Great Britain, although such denial is made by some of her own politicians; but modern experience has shown that the march of the destroyer may be stayed on the land without the assistance of her naval force. What services were rendered at Moscow by her naval armament? How did it promote success at the battles of Leipsic and of Dresden? Neither troops nor any of the means of annoyance were prevented from reaching the scene of action from France; nor could this naval power afford facility to the transportation of any of the muniments of war to the allied powers. Sir, it must require something more than the folly of dotage to assert it was necessary; to prove it is impossible. The talisman of French invincibility was broken by other and by nobler means. The generous spirit of patriotism, excited into enthusiasm by the invasion of his native land in the rugged Russian, first crippled the giant. The perfect union of the allies, pressed together by the might of their fears, will, if governed by true policy, confine him to his ancient cell. That British naval supremacy is necessary for the security of the United States is a libel upon the virtue and valor of this people. The people of these States hold the precious inheritance of their forefathers by a nobler tenure and a better title. They hold it as a grant from Heaven purchased by the generous blood of the purest men the world ever saw, never to be relinquished while a drop of that is found in the veins of the existing race. The invaluable blessings secured by the valor of our ancestors would cease to be dear, if they depended upon any power for their preservation but that of the Divinity.

The atrocities of the present war are of themselves sufficient to produce conviction on minds, ordinarily constituted, of the perfect disregard of the British Government to religion and humanity. I will not detain you by any detail of these enormities. I do not desire to excite resentment or inspire detestation by a recital of the barbarities which have been committed in different parts of the Continent by the armies and allies of England. But we may inquire how far religious Governments can be justified in employing the means of defence and offence, which involve in their destructive progress the man, the woman, and the infant; which spare neither age, sex, or condition; which riots with equal joy on the spoils of the armed enemy or wounded prisoner. We are told by the gentleman from New York (Mr. GROSVENOR) that the

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employment of the Indians was justifiable—that he would have adopted the same means. The state of war is certainly a destruction of the ordinary rules which govern nations in their conduct to each other. Even this state, however, has rules which generous nations implicitly obey; rules violated by the employment of a force whose destructive effect cannot be controlled. The effect of the employment of this species of annoyance had been proved by past experience. During the Revolutionary war it was denounced in the Parliament of Great Britain as destructive and odious. Modern improvements are visible on this subject. In England at this day it is matter of boast and joy that the red man mingles in battle by the side of his white friend. The imagination is delighted by the picturesque effect of the tomahawk darkening by the side of the glitter of the bayonet—by the rude dress of the savage viewed in conjunction with the splendid costume of the disciplined soldier. The groans of the scalped victim are no longer permitted to strike upon the ear—it is delighted by the dramatic effect of the yell of the savage filling the air, in combination with the shout of the civilized barbarian. I envy no man's feelings who can believe the employment of an Indian force justifiable. The conclusion, however, may be drawn without the fear of refutation, that it is not an evidence of the regard of Christianity in those who adopt it.

We are informed by an honorable gentleman from Massachusetts, that our sympathies for Spain ought to have prevented the declaration of war: Spain fighting in a cause holy and sacred as the cause of our own Revolution, was injured by our attempt to resist encroachments upon our rights. There is no man who does not wish success to the Spaniards. But, sir, when we are called upon to make sacrifices and submit to injustice on their account, it becomes necessary to examine the nature of the contest and the probable consequence of the success of the parties engaged in it. What is that cause, which has been compared to our Revolutionary struggle? It is the cause of pride, not of principle. Pride, which having its foundation among the generous feelings of the human heart, may inspire admiration and excite sympathy, but which is rejected by reason. The memorable siege of Saragossa was sustained, the immortal Palafox died, not to extend or preserve the liberties of the people, but for the paltry privilege of choosing the puppet who was to sit upon the throne. At the commencement of the memorable struggle Spain was as completely governed by French councils as if she had been an integral part of the Empire. All her resources were at the command of the Emperor. Napoleon might give greater stability to his power, but immediately he was to gain nothing by the change of Kings, but the gratification of his family pride. Wonderful and important controversy, whether the descendant of a Frenchman or a Corsican should sit upon the throne,

whether the political automaton should be of the ancient or the new dynasty, a Bourbon, or a Bonaparte; of a family whose ancestors had usurped power in times long past, or of one who had grasped it with their own hands in the present days! And what was the consequence of the struggle which ensued? The resources of Spain became the property of Britain; no other effect was produced than a change of masters. What difference between the dominion of one or the other power? The people obtain no privileges and the United States derive no benefits. To us it cannot be important, whether the wires are moved by an English or a French juggler; whether the despatches of Spain are issued by Castlereagh or Bassano. The comparison of this with our Revolution, is odious and unjust profanation to the ashes of Washington and his contemporary patriots. The American people fought for their own privileges—the Spaniards for the privileges of their rulers. Our fathers fought for the right of self-government—for freedom, political and religious; they for the choice of the foot which is to trample on their necks. The principles of our contest seem to be as little understood as the limits of constitutional opposition. In the cause of Great Britain, in the situation of the world, in the affairs of the peninsula, there was nothing to demand or require our forbearance to seek redress even for incidental injuries. But were the Orders in Council really intended to injure France and France only? Far from it. The decrees, of which they pretended to be retaliatory, were inoperative and useless. It was the boast of the British Government that they were futile and impotent. No, sir, the object of this system of retaliation upon France, was to foster British at the expense of neutral commerce. The pretence to cover this object was the decrees of France. Flimsy, indeed, but still sufficient for a Government which desires to cover, if it does not conceal, its real intentions from the public view.

The second ground of excuse or justification used is, that it was unjust to continue the war after the repeal of the Orders in Council, alleged to have been the *only cause of war*. This allegation is denied. These orders were not the only cause of war. Without attempting to show the policy and necessity of settling all the points of dispute, I will examine how far Great Britain exhibited a disposition to do us justice in her act of repeal. An indifferent spectator of such a contest between two nations, when told that the injuring party had given the strongest proof of her good faith and love of peace, would conclude that the injustice complained of had ceased; that ample security was provided against a repetition of the injury, and remuneration for that already inflicted was offered or made. How is the fact? The very act of repeal asserts the justice of the system; insists upon the right of again resorting to it if necessary; affects to confer a favor by its suspension of abandonment. Where was the se-

curity against future and similar aggressions? Where was the remuneration for the millions of American property poured into the royal coffers as droits of the Admiralty? Will it be pretended that this remuneration is not to be expected? Will gentlemen who rave about the millions imperially plundered from us by France, quietly surrender to Great Britain the royal portions which have been most iniquitously condemned in her courts of Admiralty? They ask at the hands of the Administration an account of the property seized under the decree of Berlin, Milan, and Rambouillet. The Administration demand restoration from France, and this demand would have been made, although her banners had floated over prostrate Russia, although her imperial eagles had been planted on the walls of St. Petersburg. We look for the same justice from both these nations. Perhaps the Minister, Admiral Warren, was vested with full powers to supply these deficiencies;—he who came to heal our divisions, to afford our Government a glorious opportunity of stopping the effusion of human blood. He came to inform us that the Orders in Council were repealed; to propose an armistice. If accepted, was he to arrange the subjects of dispute between the two nations? Nothing like it. To arrange with the Secretary of State “as to the revocation of the laws which interdict the commerce and ships of war of Great Britain from the waters and harbors of the United States.” This, and this only, was his errand. Ample atonement had already been made by the repeal for all our injuries of every description and character. Nothing further was or could be expected, and this is the glorious opportunity lost by the Administration; this is what is called by the Legislature of Massachusetts, in their celebrated remonstrance, the signal proof of the good faith and disposition to peace of the British nation. But this repeal was not even a compliance with the promise of her Ministry. They promised an absolute revocation of their Orders in Council whenever the decrees were, by an authentic act of the French Government, publicly promulgated, repealed. When this authentic act on the part of the French Government, which had been shamefully withheld or fraudulently ante-dated, was promulgated, they comply with their promise by a repeal in June, which was to take effect in the August succeeding. What was the reason of this procrastination to do justice; of this violation of their engagement? The events which have since occurred in the north of Europe point with unerring certainty to the cause. France and Russia were disputing about the continuance of the continental system. The Deliverer had not yet determined to deliver himself from the iron grasp of the Imperial Corsican; he had not yet resolved “to set his crown upon a cast and stand the hazard of the die;” before August these facts were to be ascertained. Is it a strained or unfair conclusion to draw from these premises that these circum-

stances were hoped for? If they occurred, the system could be continued; if they did not happen, it was to be suffered to here expire.

I come now, sir, to the last and most extraordinary ground assumed by the minority—the impracticability of attaining the objects of the contest. These objects are the preservation of the property and persons of American citizens from unjust violation on the common highway of nations. And is it seriously asserted that this cannot be effected? If we are, indeed, so weak and worthless as not to be able to protect our citizens in the enjoyment of these fundamental rights, let the fact be proved by experience, and the people will apply the remedy. The Declaration of Independence will be torn to atoms, and its fragments scattered on the winds; the constitution, the model of perfection to human institutions, will be reduced to ashes; perhaps from its embers a better order of things may arise. I have no apprehension on this subject; our demands, to the extent to which the Administration are bound to go, will be granted whenever it is the interest of our enemy to quit the contest; whenever it is shown that the hopes of division in our country are delusive. On that part of the dispute which relates to impressment, we are informed that Great Britain cannot yield to our demands without endangering her existence. Her existence does not depend, I presume, upon the practice of impressing our seamen; and we have, at all times, been ready to take away the excuse for its continuance, by refusing to employ British subjects. Peace can be concluded without surrendering or jeopardizing their interest or ours. It is indifferent what the arrangement may be with regard to foreigners; but with regard to our own citizens, whether native or naturalized, their security must be stipulated, or we quit the field with a wound incurable, for it affixes a stigma on the national honor.

Mr. ROBERTSON said: Mr. Chairman, I am not surprised at the reluctance of gentlemen to take the floor. I feel sensibly the effects of my own temerity. But if, after the eloquent address of my friend from Georgia (Mr. FOSTER) I should be so fortunate as to obtain the attention of the committee, I promise for no great length of time to trespass on their patience. Indeed, I am not desirous of making a long speech; I am not ambitious of that fame which is to be acquired “by holding out to tire each other down.” And if the opinion of Swift be correct, that we speak with facility in the direct ratio of the paucity of our ideas, then is there little credit to be gained by haranguing—

“From morn to noon, from noon to dewy eve—
A Summer’s day.”

Various and diffuse have been the subjects presented to our view: many of them foreign to the question under consideration, but all, diversified as they have been by ingenuity, and animated by declamation, of great interest and importance. I do not object to this excursive

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examination—it has high and ancient authority. Homer proposed to sing Achilles' wrath, and he gave us the ten years' siege of Troy. I will not, however, avail myself of the full extent of my privilege; I will not pass over in silence the subject which has given rise to this debate. It yields in importance to none. It concerns the honor, the existence of the nation. It is not my intention to follow gentlemen through the mad and melancholy mazes of their argument, to prove that funds ought not to be furnished; or that the plan which has been recommended by the Committee of Ways and Means, if adopted, would be ruinous to the resources and credit of the nation. Is the loan necessary, and can it be procured? It is sufficient, in the first place, to answer, that we are at war; that war cannot be carried on without money; that money is its sinew. But gentlemen say that war is unnecessary. Such has not been always the language of Federalists. Previously to the commencement of hostilities, Congress was inundated with memorials from different parts of the United States, particularly from the East—particularly from Massachusetts and Connecticut—expatiating in indignant terms, and painting in vivid colors, British injuries and insults inflicted on our commerce and offences to our flag; and pledging their support to whatever measures, listening to their furious counsels, the Government might be induced to adopt. Then, according to the "sainted pilgrims," the United States were niggards of blood and treasure. Then we were told by a celebrated Jacobin of the East, who held a seat in this House, and who employed himself at that time, as he does now, in bullying the Government, that we "could not be kicked into a war." But let us admit for a moment that war was not unavoidably commenced; is it true, as is often asserted, that no wish is felt, no effort made to obtain an honorable peace? A slight attention to facts will confute this charge. So soon as information was received of the repeal of the Orders in Council, Mr. Russell was instructed to propose an armistice on terms of perfect justice and reciprocity. This the British Government rejected, and rejected in a manner in the highest degree insulting to America. When the Emperor of Russia, the ally of England, offered his mediation to effect a pacification, it was, although readily accepted by us, unhesitatingly rejected by that Government. Now, at a later period, when the enemy has held out the olive branch, he is met promptly with corresponding views on our part. But all this is nothing: you lost, say gentlemen, the golden opportunity when you refused to close with the proposition of Admiral Warren. Yes, Admiral Warren proposed an armistice, leaving the seamen of our country, whose rights we took up arms to secure, at the mercy of subaltern officers and drunken press-gangs.

But all our efforts to obtain peace are treated as our efforts were to avoid war. They are misrepresented and derided. The Russian me-

diation was declared to have been unauthorized by the Russian monarch. Mr. Daschkoff and the Executive fabricated it to amuse and deceive the public! The correspondence on that subject, in all respects so honorable to our Government, lately laid before the world, has covered the authors of these calumnies with dismay and confusion. Yes, the acceptance of the Russian mediation met with the most illiberal opposition, and acceding to the late proposition of the enemy to negotiate, is begging for peace, is striking our flag. Gentlemen will be mistaken in their fears or their hopes. To treat on the proposed basis of "the laws of nations and British marine rights," is one and the same. Britain has maritime rights, and so has every other independent sovereignty.

The hackneyed charge of French influence has been in a great measure abandoned. Mr. Foster, within the walls of Parliament, where their "friends in Congress" were spoken of, acquits us of this. The Emperor Alexander, now the theme of Federal eulogy, but doomed soon to become the subject of their bitterest hate, says, that "taking pleasure in doing justice to the wisdom of the Government of the United States, he is convinced that it has done all that it could do to prevent this rupture."

The uniform conduct of the Administration in the days of the proudest splendor of France, and in those of her comparative depression, alike removed from obsequious yielding or contemptuous exultation, the want of co-operation, the absence of alliance between the two nations, all give the lie to this accusation, so often repeated, so constantly refuted by facts and events.

But admit for a moment, in the face of the clearest evidence, that the war is unnecessary; that it is unjust; that it originated in French influence; that no efforts have been made to bring it to an honorable termination—shall we not defend ourselves? Shall we abandon the country? Is not England at war with us? And ought not the honorable gentleman from Virginia (Mr. SHEFFERY) who proposed that we should proclaim that it was not our intention to attack the enemy, also to have provided that the enemy should not attack us? His proposition would at least have been consistent in absurdity.

If, Mr. Chairman, the state of the nation requires funds, can the loan contemplated be obtained? It is on all hands admitted that it can. Certain predictions of eventual national bankruptcy are hazardous; but at present there is no difficulty or danger. On the subject of finance we have witnessed much labor and experienced much fatigue. It has tended to make "confusion worse confounded." In my researches I too have met with a principle, I dare say as true as any we have heard, and infinitely more convenient and apposite. The celebrated *Herrnswand* lays it down as a most valuable discovery, "that a regular and constant increase in the expenditure of the Government, is the

only true means of insuring a constant progression in the intelligence and enjoyment of the people." The grand secret, then, for increasing the happiness of the people, is for its rulers to spend as much as possible. I cannot say that I entirely agree in opinion with this profound economist, although he is announced to the world by Arthur Young as one of the greatest political geniuses of the age. All I intend is, to show that the subject of finance is intricate; that the greatest men are puzzled, and that the gloomy predictions and dull calculations of the gentleman from Virginia (Mr. SHEFFERY) ought to be listened to with much doubt and circumspection. For my own part, when I reflect on the never-failing series of wars which have convulsed the world, I have been led to suspect that if greater difficulties existed to the procurement of money than is generally experienced, mankind would have no cause to lament the circumstance. But when I perceive that the worst governments, for the worst purposes, have been enabled to prosecute never-ending and expensive contentions, I feel encouraged to believe that a virtuous government, for honorable purposes, will not furnish the only example of falling a sacrifice to its enemies, for want of means to defend and support its rights.

But gentlemen oppose the loan because they are anxious to preserve the faith and credit of the nation. But the loan is necessary for that purpose. How else will our contracts be fulfilled; how pay the debts already due; how satisfy the claims of the Army, the Navy? Aware of the inconsistency in which they are involved, they contend that the majority will sacrifice the faith of the public, rather than hazard their popularity by finding ways and means to pay the debt they contract. This doctrine was not for the first time broached in the House. A gentleman now before me, (Mr. PICKERING,) in essays under the signature of his name, contended for the truth of the same principle; this was done to prevent individuals from advancing their money to the Government; not satisfied with this, he said, that if the party to which he belonged got into power, the creditors of the nation could with no propriety expect payment of their demands, as the debt had been contracted in consequence of their advancing money to prosecute a war denounced by the Federalists as cruel, unjust, unnecessary. The gentleman is at perfect liberty to speak for himself and his party; he well understands their views, and does them justice. I object to a further extension of his jurisdiction. It is, then, already avowed, that if he and his friends are intrusted with the Government, the debts of the nation will not be paid. This principle strikes at the foundations of society, and it is the open avowal and unqualified support of doctrines so monstrous that keeps, and will, it is devoutly to be hoped, forever keep them in the same feeble and suspected state in which they at present are found. How

different was the course of Republican successors of a Federal Administration! Mr. Jefferson in coming into office found an enormous debt of upwards of \$80,000,000; much of it had been contracted in the prosecution of measures highly disagreeable to himself and his political friends; most of the evidences of the debt had fallen into the hands of his opponents. No disposition was felt, no hint thrown out calculated to excite alarm; the fame of the country was held too dear to be sacrificed on the altar of revenge. Ample means were provided to satisfy the public creditors; under the auspices of his measures stock rapidly rose, and the complaint was, that there was too much promptitude in discharging and cancelling the public obligations. The suspicions which gentlemen have thought fit to express are not supported by adverting to the past; they will not be verified by the future conduct of the Government.

A great many arguments have been used, and cases quoted, to show that in England the duty of perpetual and inalienable allegiance is asserted. We have been referred to her blood-stained code to show that emigrants had been taken in arms, tried, executed, and mangled while yet alive, as traitors to their king and country. That her history furnishes abundant evidence of injustice, cruelty, and atrocity, required no great effort to show; but, until it is established that we, as well as other nations, are bound to obey her municipal laws, nothing is done in regard to the present question.

Having established that expatriation, or emigration, with an intent to permanently reside elsewhere, is a natural right, and that naturalizing foreigners is practised in England, it is proper to add, that emigration is prohibited by no civilized Government, that naturalization is practised by all, and that perpetual allegiance is a foolish notion, growing out of feudal times, supported by insolence and power, at war with the plainest rights of man, and in violation of the undeniable prerogative of every Government on earth.

Upon this subject, what say American authorities? The State of Virginia, which, in regard to a correct understanding of moral and political truth, yields to no country in Europe, has recognized by law the right of expatriation. The gentleman from North Carolina (Mr. GABRON) contends that, as Virginia had authorized expatriation, this was a clear proof that, in the opinion of that State, the right might be given or withheld at pleasure. The gentleman either never read, or entirely misunderstood the statute. It does not give, it recognizes the right. It provides that, "whenever any citizen should, by deed, or open verbal declaration, made in court, declare that he relinquished the character of a citizen, and shall depart out of the commonwealth, such person shall, from the time of his departure, be considered as having exercised his right of expatriation, and shall thence be deemed no citizen." In perfect coincidence with the right of expatriation are the

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opinions of Judges Tucker and Roane, of that State, and Judge Iredell, formerly of the United States bench. One of our complaints, whilst colonies, was, that Britain discouraged emigration. In conformity to these ideas, the constitution has given to Congress authority "to establish a uniform rule of naturalization." During the Administration of General Washington, a law on this subject was enacted. It called on the alien who wished to become a citizen of the United States to "renounce and abjure all allegiance to any foreign prince, potentate, State, or sovereignty, whatever, and particularly, by name, the prince, potentate, State, or sovereignty of which he was before a citizen or subject."

If the effect of naturalization was before doubtful, it ceased to be so now; whether it annihilated natural allegiance, was no longer left to implication. If a naturalized foreigner in England, notwithstanding he was, to all intents and purposes, to be held and taken as a native-born citizen, notwithstanding he was enabled to hold land which an alien could not do, because it destroyed his natural allegiance, still owed allegiance to the country of his birth; if all this nonsense were true, to put an end forever to such doctrine, we have required that a positive abjuration of all previous allegiance should be made. And whilst a citizen thus constituted, thus fashioned by ourselves, stamped with the holy attributes of equality, in all things, in regard to the other members of our free community, calls upon us for that protection which we have authorized him to expect; have we a right, have we a discretion; shall we be so vile, so infamous, as to hesitate? We should become the scorn of nations; we should loathe ourselves; remorse would poison our days. Is this the asylum of oppressed humanity? Is it thus we fulfil our promises to suffering man? What, lure from his native country, his home, a fellow-being who could have dragged out a miserable, though tolerable existence, to abandon him to punishment for an act which we have encouraged, for trusting to our faith, for confiding in our truth?

Thus, then, the question of retaliation arises. Shall we retaliate on the enemy cruelties which he may inflict on individuals who, though born in Britain, have left that country, incorporated themselves into our societies, and have been taken prisoners fighting our battles? But I cannot subscribe to the opinion, that we owe protection to those only who have been naturalized. I differ with the honorable gentleman from Virginia, who supposed that the Government felt itself bound no further. That is not the view of the President, he covers much wider ground; but it is the true ground. He does not speak of naturalized citizens, but of "persons who have incorporated themselves into our society." It is worse than useless that we should take any distinction. The British principle of perpetual allegiance applies as well to the one as the other. If our enemy adhere

to the dicta of Blackstone, instead of the voice of reason and the practice of nations, then will all those individuals who were born in England fall under the denomination of traitors. No matter how formally we have made them citizens; no matter how many years they may have resided among us; no matter what their inducements to defend the country where all their happiness is centered; no matter if driven from their native fields by the hard hand of poverty; complying with laws which they have sworn to support; fulfilling duties which God has enjoined, they have committed the foul crime of treason; the horrible punishment denounced by British law awaits them. What if he has been compelled by us to take up arms? What if he has been enticed to do so by allurements held out to his cupidity or to his patriotism, are we not bound to protect him? Let us inquire, then, into the practice of the world.

It will be found that the claim now set up by England is unsupported by precedent, and is at war with her own example. Prince Eugene was, by birth, a Frenchman; disappointed in his just or ambitious views, he left France and joined the Austrian army, then employed against the Turks. He received an order to return; but, so far from complying, war breaking out between the two countries, he ranged himself on the side of the enemies of France—his career is well known—he defeated and humbled the proudest power that Europe had then seen. His natural sovereign, Louis XIV., did not consider him as a traitor; the surrounding nations did not consider him as a traitor. England hailed him as the greatest captain, the brightest ornament of his age. It is to British historians and British poets that we are indebted for the opinion which we have of him—opinions as honorable to his moral as to his military character. At the siege of Turin, Eugene, a Frenchman, commanded the Austrian army; the French army was commanded by Count Marsin, an Austrian. In the war of the Succession, as it was called, the French armies were commanded by the Duke of Berwick, a Briton, a king's son; the British armies were led on by a Frenchman, of the title of Galway. Instances of the same kind are innumerable. But will express authority, drawn from England, be considered as of weight in a controversy with that Government? I admit, under other circumstances, it would deserve but little respect, for history furnishes examples of every absurdity and every atrocity, which wanton power has perpetrated. But it is fair to set up her former practice against her present pretensions. In the year 1794, certain corps of Frenchmen were enlisted in His Majesty's armies, for the purpose of invading France; Mr. Sheridan asked, in debate, whether, if they were taken prisoners and treated as traitors, the English Government would retaliate. Mr. Burke replied, "yea." This gave rise to much opposition and animadversion on the part of the minority. In answer, Mr. Burke said:

"From the severity of comment to which the poor monosyllable, 'yes,' has been subject, the world must have been led to think that I have taken up my morals at random, merely on sentiment, and that I was wholly unprepared to defend them on principle. As a general principle, founded on policy and law of nations, I am ready to repeat and maintain, that retaliation of any severity which an enemy may practise, is right and proper. The *lex talionis* is a part of the law of nations, as founded on that of nature. These corps must be considered purely as a part of that army under whose banners they serve. God forbid that the authors of murder should not find it recoil on their own heads. Such is my opinion relative to the justice and policy of retaliation. I would suffer no one act of severity to pass unretaliated. But the right honorable gentleman is fearful that we may inflame the Jacobins by this severity on our part. Inflame a Jacobin! You might as well talk of 'setting fire to hell.'" Mr. Burke goes on to remark, that "the practice is more lenient than the mildest doctrines of the theorists. To the honor of practical humanity, only four instances of wanton and unnecessary murder occurred throughout the whole course of the American war—a forbearance which reflects equal credit on both parties. In 1688, the Irish brigades were taken into the service of France, and retained their own uniform. Yet, England, though often courageously opposed by these troops, has not, in any instance, treated them as rebels, when the fortune of war cast them into their power. In the rebellion of 1746, a whole regiment of them was taken, but no severity was practised.

"France, under Louis XIV., conducted herself in the same way. Many of her regiments, after the cruel and impolitic revocation of the edict of Nantes, were taken into the pay of Prussia, Holland, and Britain; yet, she never sacrificed these troops when they became prisoners. The battle of Fontenoy was gained principally from the exertions of the Irish brigades, and though they fought in open rebellion, these extremities were not thought of. Lord Ligonier, an officer of great note in the English service, was a Frenchman by birth; when taken prisoner, fighting against France, was exchanged in the usual course, for an officer of the same rank. Similar instances may be collected from the conduct of Germany, Sweden, and every other power of Europe."

During the same debate Lord Mulgrave, then high in office, enjoying the confidence of Ministers, and it may be presumed speaking with their approbation, also declared that the system of retaliation was to be adopted.

The English, it seems, then, were at liberty to enlist and embody whole corps of Frenchmen, recently arrived, to be employed expressly for the invasion of their native country, whilst we violate every principle of the laws of nations, by taking into our service an inconsiderable number of Englishmen, members of our own society, to be used as occasion might require, in our war with that Government. The difference between the two cases cannot but occur to the most cursory observer. Yet, "the French corps were to be considered purely a part of the army under whose banners they served;" but British emigrants, serving under the banners of the American army, are to be considered as traitors.

Mr. Chairman, I have trespassed longer on your patience, and that of the committee, than I had intended. I hope, however, the importance of the subjects under consideration will be my apology. I will observe, sir, that I have endeavored, I think, with some success, to establish the following positions: That the loan, in consequence of the war in which we are engaged, is necessary, and can be obtained; that the pretensions of the Federalists to the exclusive patronage of the Navy, are unfounded; that, with respect to Louisiana and Florida, the conduct of the United States has been scrupulously honorable; that the right of expatriation is supported by principle, and established by practice; that naturalization is its necessary effect, and by a sort of reaction sanctions the principle; that inalienable allegiance is absurd, and incompatible with expatriation and naturalization, so clearly established by universal usage and law; and that the question of retaliation, to which the late proceedings of the British Government have given rise, is incontestably settled in our favor, by the authority of her greatest statesmen, by her own practice, and by that of the civilized world.

THURSDAY, February 24.

The Loan Bill.

The House again went into Committee of the Whole, on the Loan bill.

Mr. CHEVY, of South Carolina, (the Speaker,) took the floor, according to the intention he announced yesterday, and spoke as follows:

Mr. Chairman, I shall follow the example which other gentlemen have established—I shall not confine myself to the question which is immediately presented by the bill, but look briefly into the prominent subjects which the discussion has presented. I shall say very little of the loan, or the general finance of the Government. On the subject of our finances I have for the last two years occupied much of the attention of the House, and am very well disposed to leave the subject to the better abilities of the gentlemen to whom the House has particularly confided the management of that part of its business. It is, indeed, true, that the system of finance on which the Government is acting, is different from that which I deemed proper, and which I made some endeavors to accomplish; which I supposed it would have been expedient to have adopted in a state of war, to put beyond peril the public credit, and to supply with abundance the ways and means to prosecute the war with vigor and effect. But I have no disposition on this or any other occasion to speak my private griefs; and I will only add, that I wish the measure all possible success; that I know the resources of the country are great; that I believe the ultimate security of the creditor to be unquestionable, and that the enormous interest given by Government (for such I consider the terms of the last loans to be) ought to attract every cent of

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the disengaged capital in the country—because in no other way can the holder invest his money which will give him so little trouble, so great security, and so much profit.

The principal causes in which I believe the war originated, were the operation of the British Orders in Council on our commerce, and the impressment of our seamen. These were distinguishable from the other causes of dispute between the two countries by the striking circumstance, that they were always present, active, and progressive. If our causes of complaint had been confined to past injuries and insults; if we had only to suffer the loss of the many millions of money of which Great Britain had robbed our citizens by her depredations on our lawful commerce, we might and probably would have continued to remonstrate and negotiate, and still have avoided war, to which our Government has an aversion so strong as to wear the semblance of pusillanimity. But it was the daily continuance of the injuries, the incessant infliction, and the absence of all hope that these injuries were to end, that drove the nation necessarily and unavoidably to resistance; unable to carry the productions of our own soil on the highway of nations—the great ocean—of which like the light and air, it was intended by nature none should have dominion, to ports not blockaded, without exposing them to inevitable capture, and this often in the mouths of our own harbors, was a situation which affected vitally not merely the interests but the independence of the nation. To have endured it would have sunk us to a rank so degraded among nations, as could not have failed to draw upon us the everlasting contempt of the world. I have, however, no hesitation in admitting, for I shall speak with the utmost candor on the subject, that, had I known of the revocation of the Orders in Council at the moment of the declaration of war, I would not have voted for it; I speak only for myself, though I believe I am not singular in this view of the subject. I am even willing to admit, though on this point I know I differ from some of my friends, that the revocation of which we were afterwards informed, as it was explained by the Ministry to Parliament, would have been to me satisfactory. But whatever the effect of this revocation might have been in preventing war, had a knowledge of it in this country preceded war, yet the subject presents a very different aspect after war has been declared. It is impossible not to see and to feel that, were we to make peace without any security against that abuse of our rights which formed the other great cause of war, it would be an obvious and unequivocal submission to the claim of right which the enemy sets up, and to the injurious and abusive exercise of this claim which we have so long suffered. This idea is strongly presented by the reflections with which I commenced in speaking of the nature of the principal causes of the war: namely, that it is not an injury, no matter how great in extent,

which has ceased to be active, and which has therefore lost in a great degree its offensive character; but one which is daily and hourly repeated, intermitted only by the existence of actual war, under circumstances too intolerable to be borne by a nation not dead to all the feelings of honor and of shame.

I pass from the causes to the conduct of the war. The past conduct of the war; this, I think, cannot be defended, and as I have not been an indiscriminate supporter of the measures and policy of the Government, so I will not be an indiscriminate apologist of the conduct of the war. But although it cannot be entirely defended, it may admit of some excuse. When it is recollected that this nation was roused by the declaration of war from the slumber of thirty years of tranquillity and peace; that it was without officers of experience; without military science or military establishments; when we recollect the comfortable mediocrity of fortune which our citizens enjoy, which gives them homes and families from which they reluctantly part; when we recollect the high spirit of liberty which is breathed by every man in our free and happy country, where the poorest man sees in the most exalted only his political equal, which, however great the political boast, is yet a circumstance the most incongruous with the spirit of subordination, and the habits of discipline and obedience, which are necessary to form soldiers; when with such means and of such materials our army was to be formed, we ought to have been prepared for many of the disasters and disappointments we have suffered. But just in proportion as we should have expected disastrous results we confidently relied upon success, and the public mind was consequently prepared to magnify our misfortunes, and to look at the future with despondency. From this cause we have been able to see but one side of the picture. Could we penetrate the councils of the enemy, and enter into his sensibilities, we might discover that our misfortunes have been magnified, and our successes diminished, by the optics which have heretofore presented them to our view. Let us compare our own situation with that of the enemy; let us enter into his sensibilities and disappointments and compare them with our own. There are but two signal instances of discomfiture of which we complain. The first in the surrender of Detroit, and the second in the failure of the expedition against Montreal. These are our principal misfortunes. On the other hand, we can boast the destruction of Proctor's army, and the successful attack and capture of York. Let us take the enemy's view of these events. Neither of the officers of the enemy who commanded on these occasions has been since employed. Proctor has suffered the severest censure, in the general orders of the Commander-in-chief, that language can express, and Sheaffe, it is understood, has been sent to England, perhaps for trial for his misconduct. The enemy, then, supposes our suc-

cesses on these occasions, however we may regard them, as heavy misfortunes to his arms. The victory of Harrison was such as would have secured to a Roman General, in the best days of the Republic, the honors of a triumph. He put an end to the war in Upper Canada. The attack on York was highly spirited, and the success was brilliant and complete; and this, too, under the disadvantage of having lost the commanding officer, the gallant Pike, at the moment when the harvest of victory was to be reaped. The war on the land has not, then, been so disastrous or so dishonorable as we have sometimes supposed.

But on what principle, in estimating the character and effects of this war, are gentlemen authorized to separate the operations on land from those on the ocean and the lakes? I claim not exclusively for my own political friends the honors of our naval triumphs. I was among the first to accuse them of their neglect of this service, and to urge them to cherish and support the Naval Establishment. But I cannot either allow to the gentlemen in the Opposition the claim which they affect, of being the exclusive friends of the Navy. They have discarded the man (the late President Adams) who was its greatest patron, and rejected from the times which they love to call their own, the period in which it received its greatest and its happiest impetus. But let its patrons and its friends be whom they may, I have a right to claim its merits for the country; and when we connect our naval deeds with the other events of the war, who will venture to say this has been an inglorious war? An inglorious war! Insult not the gallant men who have fought and bled in your battles, and yet live with high claims to your applause. Tread not so rudely on the ashes of the heroic dead. Could the soul of Lawrence speak from the ceremonies which confine his mouldering body, in what appalling language would he rebuke the man who should assert that the contest in which he so nobly conquered and so nobly died, was an inglorious war! Will you tell that worthy man,* who fills with so much fidelity and usefulness a station in your service on this floor, that this is an inglorious war? He has beheld one son† triumph over his country's foe, and live to hear and to receive the applause and gratitude of his country. He has seen another‡ fall in the arms of victory, heroically aiding in an achievement, which, if it be not unparalleled is certainly not exceeded in the annals of history. Happy father! yet I would call him a miserable and hopeless man were this an inglorious war. But I must call him a most happy father, for God and nature have implanted in our bosoms a principle which elevates us above the love of life and friends, and makes us think their loss a blessing when they are yield-

ed up in the cause of a beloved country, on the altar and in the spirit of patriotism. It is this principle which makes that excellent father reflect not merely with composure, but with pleasure on the child of his love giving up his life in battle; his blood mingling with the wave, and his body entombed in the bosom of Erie. Yes, he would rather feel the consciousness that his gallant boy fought with Perry and died in the glorious battle of the 10th of September, than now embrace him in his arms, again animated with the strong pulse of life—again pouring into the parental bosom his filial duty, and lighting up a father's pride and joy!

I come now to speak of that subject which was my principal inducement to claim your attention in this debate—I allude to the question of retaliation. The conduct of the Government is not only condemned in this particular, but it is also said we ought not to prosecute the war against Canada, lest it should provoke the enemy to give occasion for the exercise of the retaliation which we have threatened. Let us see what foundation there is for this humiliating doctrine. This question is one of the gravest and most solemn character; affecting deeply the honor of the country, the duty of the Government, and the lives of our citizens. I wish, for the last reason, it had been the pleasure of the gentlemen of the minority to have passed it over in silence. I think it would have been safest and wisest. I pretend not, however, to dictate the conduct of other gentlemen, but I must be permitted to enter my protest against the doctrines which have been maintained on the other side of the House on this subject. I think, but I wish to be understood as speaking with a proper deference for the opinions of other gentlemen, this subject has been very erroneously considered. It has been made by the combatants on either side to depend altogether on the question of expatriation, when it has very little and very remote relation to that question. But, as the inquiry is one of very great importance, I hope I may be pardoned for discussing it first in the way in which it has been heretofore generally treated, in order that I may draw the subject from thence, without any violence to the common mode of thinking, into that point of light in which I suppose it ought to be viewed.

To speak, then, of expatriation. The right of expatriation, which is broadly and generally affirmed on the one hand, is on the other rebutted in equal extent, by the claim of perpetual allegiance. These may be assumed to be equivalent questions. The affirmation of the one is the negation of the other. This it may be material to remember, because it will be necessary, in the course of the argument, to show that naturalization, which is generally considered as destructive of perpetual allegiance and synonymous with expatriation, is really not so. Perpetual allegiance is alleged to be founded on natural law, the positive law of nations, or the municipal law of each State. We will

* Mr. Claxton, one of the officers of the House.

† Lieutenant Claxton, who was on board the *Wasp* when she captured the *Frolic*.

‡ Midshipman Claxton.

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examine each; and first, the law of nature. To determine what is the law of nature, the simplest way may be, not to embarrass ourselves with equivocal definitions, but to look at things through our best judgments, with a view to discover their just fitness and connection. We may call in the aid and authority of writers of character and reputation, and with these lights seek our conclusion. In this view we are able to discover but two principles or pretences on which the duty of perpetual allegiance is affirmed, or the right of expatriation denied. These are the necessities of the State, and the gratitude of the subject. These are the only grounds stated by Vattel, to whom alone I shall refer as my authority for positions of natural and national law, because I can refer to no better authority, the more especially as on the points for which I shall use him, I believe he agrees with all other writers.

The obligation resulting from the necessity of the State, can apply to none but extreme cases—such, for example, as the instance of invasion, or the case of war, when great numbers should suddenly abandon the State—a necessity that neither does nor can exist in relation to the few scattered instances of expatriation which the practice and experience of nations have hitherto exhibited to our view, and which form the whole of the instances about which we reason; nor can it form any foundation for perpetual allegiance in the extent in which it is claimed; which is not confined to cases of extraordinary character, such as I have mentioned, but embraces every subject born in the country, and is neither limited by time nor circumstances.

The extent of that obligation, which is founded on the gratitude of the subject, must bear some proportion to the benefit that he has received and the favor that the Government has conferred. Now what benefit has the subject received? When in a state of infancy, he has been protected and permitted to live up to adult years in security and peace. But has this benefit imposed an obligation which has no limits, which is commensurate with every faculty, mental and physical, which the subject possesses, and coextensive with the duration of his life? Those who form a State at given time, repay, by the services of the time, the protection of the Government for the same period. The services of the ancestor are a full equivalent to the sovereign for the protection which is enjoyed by his offspring as well as himself; and the son, when he arrives at adult age and is able himself to serve the State, is nothing in arrear to the Government. Put the case of any actual society or population. Is not the protection of the Government fully repaid by the gross population, including the young and the old, at any given period? The adult, it may be admitted, owes a debt of gratitude to some one for the care and assistance by which he has been reared; to his parent, if you please, but certainly not to the sovereign, who,

it is seen, has received a full equivalent for the protection which the subject has enjoyed. There appears, then, to be no foundation for the claim of perpetual allegiance in the necessities of the State, or the gratitude of the subject for the benefits he has received. I will illustrate the argument in relation to the last of these pretences by the case of parent and child. The gratitude due by the citizen to the sovereign cannot be greater in the opinion of those who most revere the obligation, than that of the child to the parent—yet there is no man who would not be shocked at the injustice of the parent who should claim from his child perpetual servitude, as a debt of gratitude for his nurture.

It remains for us to consider how far the municipal laws of nations, respectively, establish this right. And here I readily admit, that the municipal laws of England do establish the doctrine. I think, too, that the municipal laws of other nations generally accord with those of England on this subject. I then, at once, concede to the gentleman from New York (Mr. GROSVENOR) all that he so zealously endeavored to prove by the learned and able argument which he submitted to you the other day—that the municipal laws of England, and of nations generally, enjoin upon the subject the duty of perpetual allegiance. And I admit, further, that it is of no practical consequence to say that it is neither supported by the moral duties of the subject, nor warranted by the essential nature of Government. It is enough to say, that it is enforced by the sanctions which secure obedience to all municipal laws; though it be not just, it does not cease to be obligatory whenever municipal laws can operate. But the gentleman from New York, and those who reason with him, having established the doctrine of perpetual allegiance, at once assume, in substance, though not in express terms, a distinct proposition, equally necessary to their conclusion, which they have not proved or even attempted to prove—namely, universal allegiance. I doubt whether my meaning, in the use of this term, may be clearly understood, and therefore I will define it. It is intended to say, that the allegiance claimed is not only co-extensive with the territorial limits, and the extension of the territorial power of the natural sovereign, but also goes with the subject into the territories, and under the territorial power of every other sovereign under whose jurisdiction he may reside. The argument of the gentleman, it is admitted, establishes perpetual allegiance; but it assumes that this perpetual allegiance is also universal. Now, the latter is denied, and clearly does not exist; he has offered no proof to establish it; and, if we recur to the principles which we have already proved, it will appear satisfactory that it cannot exist. It has been proved that the power of a Government is only co-extensive with its territorial limits, and the extension of its territorial power. Beyond these, it can neither enforce duties nor extend pro-

tection. Now, the basis of allegiance is protection; and all legal duties must suppose, at least in theory and in the nature of things, an ability to enforce them; but, beyond the territorial limits and the extension of the territorial power of a Government, neither of these exist, nor can, in the nature of things, exist; and of course, beyond these, allegiance must cease. It will be no reply to this argument to say that, on the return of the subject to the dominions of his native sovereign, his allegiance is restored. It is admitted that allegiance is not limited by time, but it yet remains to be established that it is not limited by space; that, when out of these dominions, the citizen is subject to a power which in its nature only can exist within them. Nor will it be more material to prove that, on the return of a subject to his native country, he may be punished for any offences—denominated such by the internal laws of the State—which have been committed without its limits; for that will only prove that the sovereign authority is uncontrollable within the territorial limits of the State; that it may enforce unjust laws, and inflict unjust punishments. But it is sufficient for the present argument to say, as will be proved hereafter, that, when taken in arms, he is protected from the operation of municipal laws by the laws of arms.

It has even been contended, that we have not the right to naturalize the subjects of another power, in such a manner as to impose the obligation of bearing arms against that power, even within our own territory; and that, if our constitution and laws speak a different language, they are nugatory. All nations, speaking generally, have, indeed, claimed the duty of perpetual allegiance; but the same nations, at the same time, have exercised the power of naturalization; the British nation, particularly, without any formality of process, naturalizes the subjects of other powers in the most extensive sense of the word. Our constitution, on this subject, is as explicit as language can make it; and it is hardly fair for gentlemen to take for granted that all the great men who framed and signed that instrument, with WASHINGTON at their head, were so grossly ignorant of the relative rights and duties of nations as this argument necessarily supposes. Let me say to these gentlemen, that I have understood, and believe, this provision of the constitution was introduced into the instrument by a gentleman (Alexander Hamilton) who, I acknowledge, was a very great man, and to whose memory they are not unwilling to pay the highest honors. Will the gentleman say he was thus ignorant of the relative rights and duties of nations?

But I repeat, and I will now endeavor to prove, that the question of retaliation has been very improperly connected with those of perpetual allegiance, naturalization, and expatriation. Perpetual allegiance is indeed so far connected with retaliation as to be the pretence under which, sometimes, that act of an enemy is committed which renders retaliation neces-

sary, and naturalization is so far connected with it, as to increase the obligation of the adopted sovereign to retaliate for the injury done to the naturalized citizen, as the ties that bind them together are more close and numerous, and more solemn, than those which connect a sovereign and the stranger who merely bears arms in his service. The foundation, however, of the right of retaliation is not at all formed by these ties; but by the laws and usages of civilized nations in war. The proper mode of discussing this question was well indicated by the example of the venerable gentleman (Mr. FENDLAY) from Pennsylvania, and has been pursued, with great success, by the gentleman (Mr. ROBERTSON) from Louisiana, the latter part of whose speech, that which was delivered during the last ten minutes he addressed you, was, in my opinion, worth all (I deny not the abstract talent displayed by others) that has been said within as well as without these walls on the subject, because he proved by the best example what is the usage of nations on this point; which at once presented the proper mode and the true object of inquiry. Before the mitigated practice of modern times had softened and civilized the character of war, it would have been considered absurd in the victor to talk of his right to punish the vanquished, as a traitor under the municipal laws of his native country, when he had been taken in arms against it. The rights of war gave him the readier means of his sword and his will. Amidst arms, municipal laws are correctly said to be silent; the original right of the victor was to put his prisoners to death—this is still his extreme right, and still exists in such degree as to merge and in effect to annihilate all other rights over the captive, but it is a right controlled by the mitigated usages of modern times, and these usages have become the established laws and rights of civilized war. Examples of these mitigated usages are numerous. The property of the subjects of an enemy is on land generally held inviolable. Persons not belligerent, though enemies, are not even treated as prisoners of war. On the ocean they are suffered to pass unmolested, and are often, within the territory of an enemy, permitted to reside in peace, protected by the laws of the State. But above all, the life of a prisoner of war is to be held sacred, and he is to be treated with humanity and kindness. Engrafted on these usages, to secure them from violation, arose the practice of retaliation, which, far from being, even where it extends to the deprivation of human life, an act of cruelty, is, when soberly and correctly, though sternly and inexorably applied, sacred to humanity. Were it not for this sanction, we should probably soon bid adieu to the civilized and mitigated character of modern war, which would assume its ancient ferocity. Acts of retaliation are like judicial sacrifices on the altar of justice, in which, though humanity may weep, the offended laws must be satisfied. If it be replied that the instance is dissimilar, because the subject of retaliation is

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innocent, it is answered that the victims of war are generally innocent. It must be ever a subject of lamentation when we are obliged to take the life of man. It is still more a subject of lamentation when the blood of the innocent is shed, but the condition of humanity sometimes requires and justice sometimes commands us to do both. It is however said, that though retaliation be admitted to be a general right of war, yet when the natural sovereign finds his subject in arms against him, he has a right to punish him as a traitor, and that the sovereign in whose ranks and under whose colors he fought has no right to retaliate. But has not this argument been already refuted? Has it not been proved that all the rights of the victor over the captive are merged in those of war? There is no collision between the municipal laws and the laws of war. The captive is a prisoner of war, and in this character never becomes subject to any other than the laws of war.

But it is attempted to be proved, by legal and historical instances, that Great Britain has punished her subjects who have been taken in arms against her, and thence it is inferred that this is the law of nations generally and of war. Were the premises admitted, the conclusion would not follow. But these examples only prove exceptions to the general rule. They are cases in which power and violence have trampled on law and principle, because no national or other arm of sufficient vigor was interposed to protect and save the victims. The instances which have been mentioned are generally those which grow out of civil wars, and occurred at times when all resistance to the Government had been put down, and there remained no ability in the vanquished to execute retaliation. Such were the cases of *Æneas McDonald*, *Colonel Townley*, and others. In that of *Doctor Story*, which was most relied upon by the gentleman from North Carolina, (*Mr. GASTON*), though he had become a Spanish subject and resided in the dominions of Spain for some years, yet he had returned to England and there had committed treason. On such a case there could be no question. [*Mr. GASTON* said this case was generally misunderstood, and was taken to be such as had been just stated by the gentleman from South Carolina—but in *Dyer's Reports*, where the case was best reported, it would appear that the treason was committed in Flanders.] I am glad, said *Mr. C.*, that the gentleman has corrected me. I should be very sorry to misrepresent the argument of any gentleman, and especially that of one whose conduct in debate is so fair and honorable as that of the gentleman from North Carolina. I have not examined the case particularly, because the principle of my argument admits these cases. My object was merely to class and characterize them. Let it not however be understood, when I say that most of the instances relied upon occurred in civil wars, that therefore I admit them to have been authorized by the laws of war. On the contrary I will demon-

strate, that even in civil wars, the law of nations protects the life of the captive who has resisted his natural sovereign, and secures him the rights of a prisoner of war, according to the usages of modern times. That when these rights have been violated, retaliation is authorized, and that history records the instances in which it has been successfully exercised. I hear it suggested (by *Mr. GROSVENOR*) that in civil wars this may be the law and usage of nations, but that it is otherwise when the subjects of one sovereign join the arms of another sovereign with whom he is at war. This does indeed seem to be a very extraordinary distinction—it does appear to me that if this inviolability of the captive can be established to be the law and usage of war in civil contests, it is *a fortiori* proved to be the law and usage of national contests. A single authority will put the first of these positions beyond doubt. *Vattel* says:

"A civil war breaks the bands of society and government, or at least, it suspends their force and effect; produces in the nation two independent parties, considering each other as enemies and acknowledging no common judge; therefore of necessity these two parties must, at least for a time, be considered as forming two separate bodies, two distinct people; though one of them may be in the wrong in breaking the continuity of the State, to raise up against lawful authority, they are not the less divided in fact; besides, who shall pronounce on which side the right or the wrong lies? On earth they have no common superior. Thus they are in the case of two nations, who, having a dispute which they cannot adjust, are compelled to decide it by force of arms.

"Things being thus situated, it is very evident that the common laws of war, those maxims of humanity, moderation, and probity, which we have before enumerated and recommended, are in civil wars to be observed on both sides. The same reasons on which the obligation between State and State is founded, render them even more necessary in the unhappy circumstances when two incensed parties are destroying their common country. Should the sovereign conceive he has a right to hang up his prisoners as rebels, the opposite party will make reprisals. If he does not religiously observe the capitulations, and all the conventions made with his enemies, they will no longer rely on his word. Should he burn and destroy, they will follow his example; the war will become cruel and horrid; its calamities will increase on the nation. The Duke de Montpensier's infamous and barbarous excesses against the reformed in France are too well known. The men were delivered up to the executioner, and the women to the brutality of the soldiers. What was the consequence? The reformed became exasperated; they took vengeance of such inhuman practices; and the war, before sufficiently cruel, as a civil and religious war, became more bloody and destructive. Who could, without horror, read the savage cruelties committed by the Baron des Adrets? By turns a Catholic and a Protestant, he distinguished himself by his barbarity to both sides. At length there was a necessity for departing from such affectations of juridical superiority against persons who could support their cause sword in hand, and of treating them not as criminals, but as enemies. Even troops have often refused to serve

in a war wherein the Prince exposed them to cruel reprisals. Officers who had the highest sense of honor, though ready to shed their blood in the field of battle, for his service, have not thought it any part of their duty to run the hazard of an ignominious death. Therefore, whenever a numerous party thinks it has a right to resist the sovereign, and finds itself able to declare that opinion, sword in hand, the war is to be carried on between them in the same manner as between two different nations; and they are to leave open the same means of preventing enormous violences and restoring peace."

Here, then, we see the reason on which the rights and usages of nations are applied to civil wars, is, that those who resist have swords in their hands, and become assimilated to independent nations.

In short, the basis of retaliation is humanity. As no nation or body of men will suffer their enemies to put those to death who fight under their banners, under any pretence whatever, interest and fear restrain an enemy from putting his prisoners to death, when he knows the act will be retaliated. But, retaliation is always a question of expediency. If we were at war with a nation dead to all the sensibilities of our nature—a nation that would suffer, without remorse or feeling, its innocent subjects to become victims to a sanguinary violation, on its own part, of the usages of civilized war, we might be obliged to forbear, as we would know the object of retaliation would not be gained. But, for myself, I deem more highly of the British nation and Government. I do not believe the Government of that nation to be so wicked as to provoke the consequences which must inevitably follow the execution of the barbarous threat they have uttered—that they would treat as criminals the natives of Great Britain, who have been taken prisoners in our ranks. Deserters alone have been permitted to form an exception to the general rule, that the life of a prisoner shall be sacred; and the humanity of modern times has even contrived the means of saving the lives of deserters. Hence, the practice of permitting the garrisons of captured places to march out with a certain number of covered wagons, which are not to be searched. (*Vattel*, b. 8, ch. 8, sec. 144.) The reason given is, that they have become numerous, and that humanity forbids their destruction—undoubtedly a very sufficient reason, but exactly the reverse of that which is sometimes urged in justification of the threat of the British Government. It is said, that in consequence of the sameness of language, similarity of personal appearance, connections in trade, and ease and frequency of intercourse, those who join us are numerous, and therefore it is necessary to punish them when found in arms.

I must again bring to your notice the authority which was yesterday presented to you by the gentleman from Louisiana, (Mr. ROBERTSON,) because it bears so directly on the question before you, and affords the views and opinions of the legislators and statesmen of Great

Britain herself, confirming entirely the doctrine on which the Government of the United States acts at this time.

[Here Mr. C. read several extracts from a debate in the House of Commons, on a bill to raise a corps of French emigrants, in which Mr. Burke was the principal speaker.]

Mr. C. continued. No human authority can be of more value than that of this great man, (Mr. Burke,) who at once teaches the doctrine, and gives the examples which establish that doctrine, in all the extent in which this Government claims the right to exercise it. It is true, that in this debate Mr. Sheridan attempts to destroy the value and impeach the accuracy of some of the instances which Mr. Burke had mentioned, but, as was to have been expected, he has not succeeded. Mr. Sheridan says, in each of the examples Mr. Burke had mentioned:

"Except with regard to America, he had entirely failed. The first is the conduct of the English with regard to the Irish regiments in the French service in the year 1745. A space of near sixty years had elapsed when they took some of them prisoners, but it was not very probable that many of those who left Ireland in 1688 returned to invade England in 1745." "The next, he says, was the conduct of the French to Lord Ligonier, who was one of the French refugees, banished from France by the revocation of the edict of Nantes—which was in itself one of the most cruel and barbarous actions that ever disgraced history—in the year 1682, and he was taken prisoner in the year 1747—a period of sixty-five years. So that the probability is, that it was the father of his Lordship who was a refugee, or at least that his Lordship must have been a child in arms at the time."

It seems to be a work of supererogation to attempt to support the authority of Edmund Burke; yet, it may be proper to say a few words in reply to these objections of Mr. Sheridan. Though it be true, as he states, that few of the Irish brigades who entered the French service in 1688, remained to invade England in 1745; yet, it is a fact, well attested by history, that these corps were afterwards kept up by the enlistment of the natives of Ireland—a fact which leaves the example at least equally strong. Admit, too, Lord Ligonier to have been a child in arms, but a native of France, is not the example one which is diametrically opposed to the doctrine of those who in this argument deny the right of retaliation? They allow neither age nor circumstances to form an exception to the general rule.

Mr. BAYLIES, of Massachusetts, rose and addressed the Chair as follows:

Mr. Chairman, I rise for the purpose of soliciting the attention of the committee for a short time. I do it with great and unaffected reluctance, as I am conscious that my remarks must be of a desultory nature; and that so able, elaborate, and eloquent, has been the manner in which the bill on your table, and the topics connected with it, have already been discussed, as almost to preclude the hope that it will be in my power to add any thing, either to

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instruct the understanding or to interest the feelings. In truth, when this bill was introduced, it was not my intention to make it the subject of a single remark; but, on reflection, I was convinced that there would be a propriety in my stating the reasons by which I should be governed in my vote, and the ground on which I was prepared to justify it. This was the extent of my wish and intention; and even this wish and intention, I believe I should have foregone, (after one ineffectual attempt to obtain the floor,) had it not been that some remarks were made yesterday, in the course of debate, which, in my opinion, demand attention. The bill under consideration, should the blank be filled in the manner proposed by the honorable chairman of the Committee of Ways and Means, will authorize the loan of twenty-five millions of dollars. To pay the interest of the debt, thus to be created, it will be necessary to continue a system of taxation, odious and oppressive to the people. The principal of the debt will, I presume, descend as a burden to posterity.

It is not my purpose, however, to controvert the facts stated by the honorable chairman of the Committee of Ways and Means, or his reasoning upon those facts—though that reasoning, I think, was more specious than solid. I admit that the resources of this country, under the fostering hand of a wise, prudent, and efficient Administration, would be equal to meet a debt of this, and even of a larger amount. But I am opposed to this bill, because its object is to place money in the hands of the present Administration, to enable them to pursue a system of measures and a course of policy hostile, as I think, to the best interests of this country; to enable them to continue the war in which we are now engaged; a war which, I believe in my conscience, was in its origin unnecessary and inexpedient; which is prosecuted without any adequate cause; which, in its progress, has brought heavy and severe calamities upon our country; and which, if protracted to any distant period, will, I fear, be productive of consequences the most disastrous.

While I claim the privilege of animadverting upon the measures of the Administration, I impeach not the motives of gentlemen who maintain opinions different from my own. It is my duty, however, to act according to the deliberate decisions of my own understanding, and the clear convictions of my own conscience.

The minority, or the Opposition, as they are emphatically denominated, are accused of inconsistency, in admitting that Great Britain has done us wrong, and, at the same time, persisting in calling this war unjust. It is not every wrong that will justify a nation in resorting to arms to obtain redress. War, it has been well said, is the extremity of human evil. The most successful war, in a Government like ours, must bring with it, of necessity, a numerous train of calamities. It increases the public burdens; it impoverishes the people, relaxes the moral habits, promotes a spirit of licentiousness, unnerves the

hand of industry, and, by elevating the military above the civil authority, endangers our liberties. It was said, I think, by a gentleman of Virginia, formerly a distinguished member of this House, that this Government was not calculated for offensive war; that it was putting the constitution to a test which it could not endure. There is, in my opinion, much wisdom in the remark. The situation to which we are reduced is sufficient evidence of the evils of war; our frontier is desolated; our commerce ruined; our Treasury exhausted; the people discontented and divided, yet we were precipitated into war, "as if it was a matter of experiment," "an idle frolic," "as if the dire goddess, who presides over it, with her murderous spear in her hand, and her gorgon at her breast, was a coquette to be flirted with."

For what are we prosecuting this war? For a cause, as has been shown by an honorable gentleman from North Carolina, (Mr. GASTON,) for which war was not declared—for sailors' rights. The violation of sailors' rights is now the professed cause of this war, and the protection of them its avowed object. The subject of impressment under the Administration of Washington, ever the vigilant guardian of the rights and honor of his country; under that of Mr. Adams and that of Mr. Jefferson, was not considered a sufficient cause of war; nor was it so considered by Mr. Madison himself at the time of the arrangement with Mr. Erskine. The honorable SPEAKER has just acknowledged, that, in his opinion, war would not have been declared at the time it was declared, but for the Orders in Council.

It does appear to me, that the subject of impressment is indebted for the very great importance now attached to it, to the revocation of the Orders in Council. But allow that impressment furnishes a just cause of war against Great Britain, can we hope to obtain from her more upon this point by arms than by amicable negotiation? It is well known that this right which Great Britain claims to exercise, of taking from the merchant vessels of other nations her own native seamen, is considered by her as essential to her maritime strength; in other words, as essential to her national existence; and, so strongly is this claim supported by national sentiment, that no Ministry would dare to surrender it. She may consent to an arrangement upon this subject, which, without derogating from the right, may render the exercise of it less liable to abuse, and less injurious to this country; but this can be obtained only by negotiation.

It ought to be considered, that this is not a novel claim set up by Great Britain. It has been exercised by her for a great length of time, even long before we existed as an independent nation; founded upon principles which she holds sacred—that every nation, in time of war, has a right to the services of its citizens; and that allegiance is perpetual. But an honorable gentleman from Kentucky (Mr. MONTGOMERY) denies to Great Britain the right to impress her own seamen in her own territorial jurisdiction;

it being, as he says, in violation of the principles of *Magna Charta*.

This I consider a question between the British subject and his Government, with which we have nothing to do. The practice of impressment has been justified by some of her ablest and most popular writers: even by Junius himself, the great champion of Opposition, in his time, and has been recognized as a part of the common law by the judicial decisions of some of her most eminent judges. Though the claim of Great Britain is limited to her own seamen, yet it is true that American seamen are sometimes taken by mistake, and sometimes by the wanton act of the British naval officers. The number of our seamen thus taken, I think, however, has been greatly exaggerated. Many British seamen pass as American under American protections, in obtaining which great frauds are practised. But whatever may be the extent of the injury which we suffer by impressment, I should be as much gratified as any person could an adequate remedy be provided for it. But how are we to obtain satisfaction by prosecuting this war? I shall be answered—by the conquest of Canada. The conquest of Canada, for the purpose of incorporating it into the Union, though it may come “within the scope of the policy” of some gentlemen, is, in my apprehension, a project so wild, and I hope I may be pardoned the expression, so preposterous, that I cannot believe it will receive the deliberate sanction of a majority of this committee, much less of the nation. Sad experience must have convinced us that Canada cannot be conquered without a great expense of blood and treasure; and, when acquired, it cannot be worth to us the price at which we must purchase it. We have territories enough. Instead of strengthening, it would weaken the Union.

As to the conquest of Canada as the means of obtaining a satisfactory peace as an instrument of negotiation, I presume the most sanguine do not indulge the expectation of effecting that conquest under six or nine months; certainly not in time to assist us in the present negotiation; and, should we obtain possession of Canada, we never shall be able to extort from Great Britain, or purchase from her, by the surrender of it, any concession upon the point in controversy, of sufficient importance to justify the sacrifices we must make in the acquisition of it.

I stand not here to eulogize the character of Great Britain, or to exalt her power; but to pursue the true interest of my country, as far as my feeble understanding can enable me to ascertain it. I do not, however, consider it as any proof of the want of patriotism not to subscribe to the philippics pronounced by gentlemen against Britain. In assailing her in the manner they have, it seems to me that passion triumphs over judgment, and that, while advocating the cause of our holy religion, they forget that charity is its vital principle.

But it is said we are acting in opposition to

the sentiments of the people; that the war is popular, and the vigorous prosecution of it demanded by the feelings of the nation. As to that part of the country from which I have the honor to come, this war ever has been, and, I trust, ever will be, an unpopular and an odious war, especially as to the proposed conquest of Canada.

Upon this subject there is hardly a division of sentiment. Men who rally under the banners of the Administration upon every other question, put their faces against them on this.

I speak not merely of the merchants, that respectable class of the community. I speak of the real strength of every free country, the substantial yeomanry; the hardy cultivators of their own soil, who will defend that soil with their hearts' blood. The subtlety of lawyers has not cheated them into the opinions they entertain. They have formed them by consulting their own good feelings, their own plain, unsophisticated understandings. I regret that I am under the necessity of making any remarks that may be considered in any degree as local. I disclaim all invidious comparisons between the different parts of the United States; but there have been so many allusions to the State from which I have the honor to come, and to the spirit which is supposed to manifest itself there, that I feel it to be my duty to call the attention of the committee to the subject. There is nothing in the character of my native State that I shall blush to defend. There is nothing in the character of my immediate constituents which should humble me on this floor as their representative, unless it be the consciousness that they have conferred on me an honor beyond my merits.

The honorable gentleman from Georgia, (Mr. CUTHBERT,) whose animated speech I heard with the most friendly interest and attention, said that the inhabitants of New England were jealous of their rights. The people of this country were characterized by Edmund Burke as men jealous of their rights, alike to every invasion or supposed invasion of them;—“who augured misgovernment at a distance, and snuffed the approach of tyranny in every tainted breeze.”

The people of whom I speak, still possess some portion of that spirit. Such being their temper, they may be betrayed into excesses from an excitement of feeling; they may fall into errors of opinion from want of information; but it is not wise in Government to attempt to reclaim them by insulting their prejudices, if prejudices they entertain, or by treating with indifference or contempt their complaints, founded on their honest convictions. The Legislature of Massachusetts have passed no act which they had not a constitutional right to adopt. They know their duty, and will perform it. They know their rights, too, and will, I trust, maintain them. There are, and I am proud to say it, some of the few survivors of the good old Revolution high in the councils of

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my native State—men who staked their lives on the issue of that contest which terminated in the acknowledgment of our independence—men who, in the path of duty, will be as little dismayed by the glitter of hostile steel as by the glitter of the tinselled invective of the honorable gentleman from Georgia, (Mr. FORSYTH.)

FRIDAY, February 25.

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The House again went into Committee of the Whole on the Loan bill.

Mr. WRIGHT, of Maryland, addressed the Chair as follows:

Mr. Chairman, the gentlemen on the other side oppose this bill, because it will provide the means to effect an unrighteous end. They say that the war was unjust in its commencement. That, if originally just, it is now unnecessary, as the Orders in Council are revoked.

That impressment, of itself, was never considered a cause of war.

That the war might have been honorably avoided, by the arrangement made by Mr. Monroe and Mr. Pinkney, and

That the system of retaliation, resorted to by the President, has given to the war a character of ferocity unknown to civilized nations.

Sir, before I proceed to detect and expose the fallacy of these assertions, permit me to call back your attention to our glorious Revolution—not like the revolutions of Europe, the exchange of one tyrant for another, but a revolution of principles, whereby the sovereignty of Kings was overturned, and the sovereignty of the people established on its ruins.

By the great charter of our independence, it is expressly declared, "that all men are by nature equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness." That all legitimate power flows from the people, and is to be exercised, only, to promote their happiness.

This, sir, is the fair fabric of our rights, constructed by the proscribed patriots of the Revolution, and cemented by the blood of our martyred heroes. From this fountain flows our constitution, constructed, expressly, "to secure the blessings of liberty to ourselves and our posterity;" and I conjure you, by the sacred obligations under which you act, to protect those sacred rights so solemnly secured.

I will now proceed to show that the war was just in its commencement; that the Orders in Council are not revoked; that the impressment of seamen is, of itself, a just cause of war; that the arrangement made by Mr. Monroe and Mr. Pinkney could not have been honorably adopted, and that the retaliatory system resorted to by the President was not an act of ferocity but of humanity.

Sir, that the war was just in its commencement will appear by a short review of the causes that produced it. In the year 1792, the vener-

able Washington declared that the practice of impressment was intolerable, and that it must be discontinued or war would be inevitable; Mr. Jefferson, then Secretary of State, was no doubt of the same opinion; Mr. Adams when President declared the same opinion, and the sentiments of his Cabinet, Mr. Pickens, and Mr. Marshall, now Chief Justice, Mr. Stoddart and Mr. Wolcott, which have been read, prove that they then were of the same opinion.

The law of nations expressly declares, that, for every injury, if redress is demanded or required, and unreasonably delayed, it is just cause of war; and Mr. Pinckney of South Carolina, when Minister, informs us, that on his application for impressed seamen, then in London, they were sent off, without suffering an investigation of their rights. Great Britain has, no doubt, disclaimed the right of impressing American seamen, but has added insult to injury, by exercising it, and impressing thousands of our seamen in direct violation of her own admission. Our Ministers have told us, that while she impresses her native born subjects, who have been naturalized, married, and settled in the United States, voluntarily entering our service, she refuses to release native born American citizens, impressed into her service, because they are married and settled in England. Can such monstrous inconsistencies be submitted to? Was Mr. King, a Minister under two Administrations, by the exercise of his distinguished talents and devotion to this subject, enabled to effect an honorable arrangement? No, sir, and Lord Castlereagh declared to Mr. Russell, "that the friends of Great Britain in Congress were mistaken on that point." We see by the official documents in 1807, that out of 2,059 cases of imprisonment, 102 only were British subjects; that 1,142 were discharged, and 805 kept for further proof, with the strongest presumption that they were aliens, or Americans whose protections had been lost.

These 1,142 unfortunate citizens, I presume, will be admitted to have been impressed, as they were discharged as such; and also the 1,600 declared by Lord Castlereagh in Parliament to have been impressed; even by the "friends of Great Britain in Congress," as his Lordship has dubbed them. And I hope honorable gentlemen, after Lord Castlereagh has declared that they were mistaken in their declarations, "that the Government, through Mr. King, might have honorably arranged the subject of impressment," will not further expose their devotion to that nation, nor deny that the 1,600 impressed in time of peace, and since made prisoners of war, is a just cause of war. I will next examine the spoliation on our commerce, their commencement and progress, with the prettexts under which they have been committed. Great Britain in June, 1803, passed an Order in Council, unlawfully restricting the trade of the United States with a certain portion of the unblockaded ports of her enemy, and condemning our vessels with innocent

cargoes on their return voyage from ports where they had deposited contraband articles; after it had been expressly decided by the High Court of Admiralty, that an American had a right to import into America the produce of a Spanish colony, and that landing the cargo and paying the duties would break the continuity of the voyage, and justify their re-exportation to any part of Europe; and after Lord Hawkesbury had communicated to Mr. King that decision, approved by the Advocate General, and by Lord Hawkesbury, establishing the law, that landing the goods and paying the duties in the neutral country would break the continuity of the voyage, and was such an importation as would legalize the trade, although the goods were shipped in the same vessel, on account of the same owners, and sent to the mother country that produced them. And yet notwithstanding this order—this decision of the High Court of Admiralty—this report of the Advocate General, and this official communication by Lord Hawkesbury to Mr. King, our commerce was swept from the ocean, and condemned in direct violation of the order, the decision, and the report of the Advocate General so officially communicated, and it would seem insidiously to inspire us with confidence, to increase that commerce, that they might, like the panther in ambush, unsuspectedly leap upon their prey. This outrageous conduct gave rise to clamors in every commercial circle in the United States, and, at the opening of the session of 1806, the President informed us, "that the British had captured, in the very entrance of our harbors, as well as on the high seas, not only the vessels of our friends coming to trade with us, but our own also; that they have carried them off, under the pretence of legal adjudication; but not daring to approach a court of justice, they have plundered and sunk them by the way, or in obscure places, where no evidence could arise against them, maltreated the crews and abandoned them in boats on the open seas, or on desert shores, without food or covering." "That new principles had been interpolated in the law of nations. According to them, a belligerent takes to itself a commerce with its own enemy that it denies to neutrals, on the ground of its aiding the enemy in war. But reason revolts at such inconsistency; and the neutral having equal right with the belligerent to decide the question, the interest of our constituents, and the duty of maintaining the authority of reason, the only umpire between just nations, impose on us the obligation of providing an effectual and determined opposition to a doctrine so injurious to the rights of peaceable nations." In January, 1806, remonstrances came in from Boston, Salem, New York, Philadelphia, Baltimore, and Charleston, praying that the Government would take the subject under consideration, and also the impressment of seamen. On the 17th January, 1806, the President again pressed the subject on the consideration of Congress, with the

memorials of the merchants, which he told us would develop these principles and practices, which are producing the most ruinous effects on our lawful commerce and navigation. He remarks, "that on the subject of impressment our remonstrances have never been intermitted; a hope existed at one moment of an arrangement that might have been submitted to, but it soon passed away; and the practice, although relaxed at times in distant seas, has been constantly pursued in our neighborhood." On the 12th February, 1806, Congress took up the consideration of the Message of the President, with the memorials of the merchants, which relate to the spoliation of our commerce on the high seas, and to the new principles assumed by the British Courts of Admiralty, as a pretext for the condemnation of our vessels in their prize courts, and passed the following resolutions:

1. *Resolved*, That the captures and condemnation under the orders of the British Government, and adjudications of their Courts of Admiralty, of American vessels and their cargoes, on the pretext of their being employed in a trade with the enemies of Great Britain prohibited in time of peace, is an unprovoked aggression upon the property of the citizens of these United States, and an encroachment upon their national independence.

2. *Resolved*, That the President of the United States be requested to demand and insist upon the restoration of the property of their citizens, captured and condemned, on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace, and upon the indemnification of such American citizens for their losses and damages sustained by these captures and condemnations; and to enter into such arrangements with the British Government on this and all other differences subsisting between the two nations, (and particularly with respect to the impressment of American seamen,) as may be consistent with the honor and interests of the United States, and manifest their earnest desire to obtain for themselves and their citizens, by amicable negotiation, that justice to which they are entitled.

The President immediately appointed Mr. Monroe and Mr. Pinkney Envoys Extraordinary, and instructed them to insist on an arrangement for the protection of our seamen, and indemnification for spoliations, agreeably to the said resolutions; and he also instructed them to procure an article for defining legal blockades. The British, not content with their new principles and aggressions under them, on the 16th of May, 1806, issued an Order of Council for blockading the coast from the river Elbe to Brest. On the 11th of May, 1807, they issued another order, blockading the Elbe, Weser, and the coast between the same; and also the Dardanelles and Smyrna. On the 8th of January, 1808, of Carthage, Cadiz, and St. Lucar, and all the intermediate ports between Carthage and St. Lucar, comprehending a greater extent of coast than their whole navy could blockade agreeably to their own definition of a blockade. And Great Britain, although her Order in Council was made on the 16th of May, 1806, from Elbe to Brest, charges it to the account of

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France as a measure of retaliation for her decree, blockading the British isles as a measure of retaliation for British violations of the law of nations by their said order, although that decree was made the 21st of November, 1806; and although on its face it carried the absurdity of making the effect precede the cause, she was not without her votaries in this body, notwithstanding this extraordinary and outrageous conduct. Our Envoys, with all their zeal and abilities, were unable to procure a treaty securing us against impressment, or indemnification for spoliation, or even the definition of a legal blockade; nor have I ever heard an insinuation that they did not do all in their power to obtain it.

After the failure of redress, by treaty, the embargo was adopted, which, no doubt, had the most salutary effect of securing the remnant of our commerce from the gripe of the enemy, whose ports were crowded with the captured vessels of the United States; and when its effects were most sensibly felt by the enemy, writhing under its pressure, at the instance of our Eastern brethren it was repealed, and the non-intercourse law adopted, by which France and England were, after a certain time, interdicted the commerce of the United States, unless they revoked, or so modified their orders and decrees, that they should cease to violate the neutral commerce of the United States. After this, Mr. Erskine, on the 18th of April, 1809, informed the Secretary of State, Mr. Smith, "that he was instructed to communicate to the American Government His Majesty's determination of sending to the United States an Envoy Extraordinary, invested with full powers to conclude a treaty on all the points of the retaliations between the two countries. That in the mean time His Majesty would withdraw his Orders in Council, if the President would issue a proclamation for the renewal of the intercourse with Great Britain." Mr. Erskine being informed that his proposition would be accepted, on the 19th of April, 1809, in an official note, says: "I am authorized to declare that His Majesty's Orders in Council, of January and November, 1807, will have been withdrawn, as respects the United States, on the 10th day of June next." The President, on the same day, issued his proclamation, declaring, "that the Orders in Council will have been removed on the 10th day of June next; after which day the trade of the United States with Great Britain, as suspended by the act of Congress above mentioned, and the act laying an embargo on all ships and vessels in the ports of the United States, and the several acts supplementary thereto, may be renewed." For this arrangement, the President was eulogized by the Federalists. Britain thereby obtained large supplies of provisions, but rejected the arrangement, as authorized by her Minister; and the President was charged by the Federalist, in conjunction with Great Britain, with seducing their Minister into the arrangement, with a knowledge that he had no power to

make it. The non-intercourse law was, of course, again declared in full force against Great Britain. On the 5th of August, 1810, France, through her Minister, declared to our Minister, at Paris, in a note of that date, that, after the 1st of November, 1810, her decrees would be revoked, or so modified that they would cease to violate our neutral commerce, provided we caused our rights to be respected, by enforcing the non-intercourse act against Great Britain. We accordingly passed an act for that purpose, against which, however, the Federalists voted. And France, on the 28th of April, 1811, on the receipt of the act of Congress, enforcing the non-intercourse act against Great Britain definitively, ratified her revocation of her decrees, agreeably to her preliminary act of the 5th of August, 1810, upon the condition pre-expressed in our law. And although, in the Erskine arrangement, not one word was said about spoliations, and the Government was applauded by the majority for the act; yet, in the arrangement with France, it was opposed by these gentlemen, and the Government denounced for not insisting on a contemporaneous agreement to pay for spoliations. Great Britain neither revoked her Orders in Council nor sent an Envoy Extraordinary, but she refused to revoke them under the pretext that Erskine had no power: and she sent an *Extraordinary* Envoy, (Mr. Jackson,) whose history and dismissal you all know, who proved himself to be the *same* Jackson who so distinguished himself at Copenhagen. After all these things, and the declarations of Great Britain, that, on the revocation of the French decrees, she would revoke her Orders in Council, Mr. Foster, then Minister near the United States, unequivocally declared that, although France should have revoked her decrees as to the United States, Great Britain would not revoke her Orders in Council. In this posture of our affairs, and, after every effort to settle them by negotiation had failed, the war was declared. And, although gentlemen on this floor may declare it unjust, I have no doubt the American people believe it just, and that the honest historian will record it just. But they say the Orders in Council are revoked, which were the cause of the war, and to continue it would be unjust. Had gentlemen examined the instrument and the despatch enclosing it, they would not have made the assertion. The Prince Regent declares that the Orders in Council of the 7th of January, 1807, and the 26th of April, 1809, be revoked; but, unless we repeal our act prohibiting British armed vessels entering our ports, that the revocation of his Orders are null and void; and "his Royal Highness the Prince Regent, is hereby pleased further to declare, in the name and on the behalf of His Majesty, that nothing in this present Order shall be understood to preclude his Royal Highness the Prince Regent, if circumstances shall so require, from restoring, after reasonable notice, the Orders of the 7th of January, 1807, and the 26th

of April, 1809, or any part thereof, to full effect, or from taking such other measures of retaliation against the enemy, as may appear to his Royal Highness to be just and necessary."

They tell us that the system of retaliation resorted to by the President, has given to the war a character of ferocity unknown to civilized nations. The term ferocity they borrow, no doubt, from the Maryland memorial, the production of a hopeful band, who ferociously broke into a temple of liberty, although locked with the key of our holy religion, and rifled it of three golden lamps, that had been selected by the sovereign people of Alleghany, and foisted in their place three others of brass, that had been rejected by them. Can such men, without book, be entitled to credit, who after kissing the book have violated the sacred charter of our liberties, and that in the most vital point, the right of suffrage?

Retaliation is a right of war, governed by the laws of war. *Bynkershoek*, in his Law of War, declares "that retaliation may be made on him who does the injury—that the safety of the people is the soul of the law of war."

In England it is a prerogative right vested in the Crown, where the sovereignty of the nation is lodged, an unwritten law. In the United States the sovereignty is in the people, and no power vested in the President but by written law, made by their representatives, and for which purpose the law of retaliation was passed, vesting this power in the President.

On the 10th July, 1776, almost contemporaneously with the Declaration of Independence, Congress passed the following resolution:

"Resolved, That if the enemy shall put to death, torture, or maltreat the prisoners retained by them, retaliation, the only means of stopping the progress of inhuman butchery, and, for that purpose, punishments of the same kind and degree, be inflicted on an equal number of the captives from them in our possession, until they shall be taught to respect the violated rights of nations."

Congress on the 8d March, 1799, by a law of that date, authorized the President (if any citizen of the United States, who shall have been impressed into the British service, shall be taken by France, and by the authority of France shall suffer death or other corporeal punishment) and required him to cause the most rigorous retaliation to be executed on any citizen of the French Republic.

I have presented to you, on this subject, the laws of war, the law and practice of Great Britain, the law of nature, and the law of God; the law and practice of 1776, and an act of this Congress under the Federal Administration—though I am aware that it may be said they were Frenchmen.

Sir, by your naturalization act we give to persons every right of a citizen, except to be a President, and pledge the faith of the nation for their protection, as a counterpart of their pledge of allegiance. We are therefore as much bound to protect them as if native citizens; and were

we to decline their protection by retaliation, we should be accessaries to their murder. And if Great Britain shall presume, under her claim of perpetual allegiance, to execute one of them, who have been taken in arms defending their adopted country, we will convince her that our power, without any claim of allegiance over her subjects, is as well founded, by exercising it. In this opinion I am doubly fortified, by the President recommending the act of retaliation, and by his vote in the old Congress, to hang Asgill for Captain Huddy, when Asgill was given up.

This power was exercised by the patriots of the Revolution, and with so much success, that in the debates in Parliament, we are informed there were but four cases during the Revolution—then it will be recollected we were liable to be hung as traitors, and that now it would be murder in Great Britain to hang us.

Sure I am, if Great Britain is rash enough to hang these unfortunate captives, it will be owing to the conduct of the minority upon this occasion.

The gentleman from North Carolina (Mr. GASTON) tells us that the war is offensive. Then, I suppose, the impressment of 6,257 seamen, and capturing 917 ships in time of peace, and refusing to give them up, was not offensive. He tells us Bonaparte insisted on our going to war if our rights were not respected. I would ask that gentleman what was the *ridor* on that honorable arrangement Mr. Jefferson has been calumniated for rejecting? It was this—it was an instrument under the hands of the two British Ministers who signed the treaty, "that they were commanded by His Majesty to say that we must not submit to the Berlin decree of November, 1806; and that they cannot enter into the stipulations of the present treaty without an explanation from the United States of their intentions relative to that decree, or a reservation to His Majesty not to consider himself bound by the treaty in that event." It is well known France meant only our enforcement of the non-intercourse act, as the explanation of it and practice under it has proved. The gentleman finds great fault with the principle that free ships shall make free goods. Has our Government insisted on it? No. But if he will examine the history of the wars of 1757 and 1756, he will find Great Britain then insisting on it; then she was not omnipotent on the ocean, and wished the protection of law—but now, when we are told she holds the trident of Neptune, she prefers the *ultima ratio regum*; and we have ample testimony she means to use it to produce the *penultima ratio regum*—their interest. But he tells us we had like to have crowned our violations of all that was dear to the people, by adopting the French conscriptions. Would it not have been more in order to postpone his denunciations for our faults till we had committed them, than through the anticipation of a disordered imagination to charge us with

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them beforehand? I would ask that gentleman whether French conscriptions, which I understand to be a draught by lot of a certain number from all the young men as they arrive at the age of eighteen, to serve for five years only, can be so outrageous as the impressment of all seamen, without a lot, to serve for life? He politely charges us with practising a ductility of mind that begins its work by deceiving itself. If that was the fact, I ask him if it is half so exceptionable as that ductility of mind that begins and prosecutes its work by deceiving the people? He concludes by charging us with legislating under Executive caprice. I wish I could charge them with not capriciously opposing every measure of Government, however intimately connected with its prosperity and happiness.

Mr. CALHOUN rose and addressed the Chair as follows:

Mr. Chairman, it is now more than two weeks since the commencement of this debate; most of which time has been consumed by the Opposition in attempting to prove the bad faith, poverty, folly, and injustice of our Government and country; for all of their arguments and declamation, however variant and contradictory, are reducible to two objections against the passage of this bill. First, that such is the want of capital, or of public credit, that the loan cannot be had, or it must be at an extravagant interest; and secondly, if it could, the bill ought to be rejected, because in their opinion the war is unjust and inexpedient. The last of these objections, I propose to discuss. To examine both at large would occupy too much time. Without, therefore, discussing the question whether the loan can or cannot be had, I will merely offer a few reflections incidentally connected with it. It is a little remarkable that not one of the minority has discussed the material points on this part of the subject; I mean the question, Is the money proposed to be raised by this bill indispensable for the service of the year? and, if so, is a loan the only, or best mode of obtaining it? The chairman of the Committee of Ways and Means has presented an estimate of the expenses already ordered, or which must be, by which it appears that the sum proposed to be raised by this bill, with the other sources of the revenue, will be absolutely necessary to meet them. The silence of the Opposition sanctions the correctness of the estimate; and as no other mode has been indicated of obtaining the necessary supplies, this may be presumed to be the only one. It ceases then to be a question, whether the loan can be had at this or that interest. It is necessary; it must be had; and the rate per centum will depend principally on the state of the money market—and not on the arguments here. Again; on comparing the two objections to the passage of this bill, one of them destroys all confidence in the other. Our opponents contend not only that the loan cannot be had, but that it ought not to be granted. To defeat the passage of this bill, or

to prevent its successful operation out of this House, are the declared objects of their policy. It is true that all have not made the latter declaration; but none, as far as my memory serves, have disavowed it. When, then, they argue that the loan must fail, they may be considered either as dupes to their wishes, or, what is more probable, as aiming to destroy the confidence of moneyed men in the public faith; for it cannot be presumed that they have any hope to defeat the passage of the bill.

But to proceed to the objection which I proposed to discuss. The war, say our opponents, is unjust and inexpedient, and therefore this bill ought to be rejected. The facts of the supposed injustice and inexpediency of the war, on which this objection rests, have claimed the exclusive attention of the Opposition. The inference deduced from them, that they justify the rejection of this bill, though far from being an intuitive proposition, has received no part of their arguments or elucidation. For my part, I consider it not only false but dangerous; and shall therefore not only consider the alleged injustice and inexpediency of the war, but the inference assumed from those charges. I trust, with the attention of the committee, to prove that both are equally unfounded. I must beg an attentive and deliberate hearing; for a correct mode of thinking on this subject, I do sincerely believe to be necessary to the lasting prosperity of our country. I say an attentive and deliberate hearing, for it is not sufficient that the mind be fixed on the discussion; but it should also be free from those passions and prejudices unfavorable to the reception of truth. The fact that discussion here assumes the form of debate, produces a state of things unfavorable to dispassionate attention. In debate here, as between two individuals, the opposite sides are much more disposed to find objections to an argument, be it ever so clear, than to receive it with a proper degree of assent. In their zeal the interest of the country is too often forgot. Mutual recrimination, and not to discover and persuade to do what is right, is but too commonly the object. I hope what I have to say will not be viewed as a mere exercise of skill in a discussion, in which those who hear me have little or no interest; but as containing principles believed to be essential to the public interest. I trust I hold in proper contempt the spirit of idle debate. Its heat and zeal are momentary. Not so with our principles and measures. On them must depend our future prosperity and happiness.

Is the war unjust and inexpedient? This is the question which I now propose to discuss. The eagerness and zeal with which our opponents endeavor to prove this point, seem to me not at all consistent with sound principles or due love of our country. In their zeal they often presume that we are wrong and our enemy right; and that on us is the burden to prove that their charges are false, before they have attempted to prove them to be true. How

contrary this to the maxims of Roman wisdom ! That wise and virtuous people, so far from presuming their country to be wrong, considered it as a crime in a citizen to doubt of the justice of the public cause. In a state of war how worthy of our imitation ! It was at the root of Roman greatness. Without it a free State will ever lose much of its peculiar and native strength ; the spontaneous and concurring zeal of its citizens. The charge of injustice and inexpediency against the war necessarily leads me to investigate its cause. It originated, as agreed on all sides, in certain commercial aggressions on the part of England, and her practice of impressing American seamen from American vessels on the high seas. Though I have named commercial injuries first, it is my intention to give impressment the preference in the order of discussion ; not only because the war is continued for it, but because it is of greater intrinsic importance. The life and liberty of a citizen are more important to him and his country than his property ; and consequently, the obligation to protect the former more sacred than the latter. To the truth of this position, our political institution bears testimony. A single judicial process determines on a question of property ; but it requires a double investigation, first before a grand jury and then a petit, before the humblest and most suspected citizen can be deprived of life or liberty. This is a mode of thinking worthy of a free people, and in fact is essential to the permanent existence of their freedom. Yes, life and liberty, those precious gifts of Heaven, are by our laws and constitutions guaranteed to all. They may be abused and forfeited to the country ; but cannot be torn away by the hand of arbitrary power. Let us bear these sentiments in our minds and bring them in our bosoms to the discussion of this subject.

It is fortunate that the facts connected with impressment are few and undoubted. I set aside for the present the pretext and principle on which Great Britain acts in relation to it. None can deny that a great number of American sailors have been impressed from on board American vessels on the high seas, and by force compelled to serve a sovereign to whom they owe no allegiance, and to fight battles in which they have no interest. It is equally certain, that the practice is of long continuance ; and that negotiation has often and in vain been resorted to for redress. I say a great number rather than specify any particular, because I do not conceive the exact number to be material ; and also, because I do not wish to incorporate any thing the least doubtful in the statement. On this point, however, the two Governments are pretty well agreed. Ours estimates the entire number taken at something more than six thousand ; and the British Government acknowledged that, at the breaking out of the war, they had sixteen hundred at least on board their public vessels. After deducting from our list the dead by battle and disease, the

deserters and the liberated, it will be found that theirs exceeds our estimate. To the shame of the minority, they alone have attempted to throw any doubt on this point—and to diminish the injury of the enemy below their own acknowledgment.

But, say some of our opponents, we are willing to defend native-born American seamen, but not the naturalized. I know not how those who make this distinction can answer a simple question, founded on fact. American seamen—yes, sixteen hundred, at least, native-born American seamen, by the acknowledgment of the British Government, are impressed and held in bondage. If, then, you are willing to defend such, why not support the war now carried on solely for the defence of these unfortunate citizens ? What avail is the declaration, that you are willing to defend them, when you will not move a finger in their cause ? But the distinction between native and naturalized is without truth or reason. It constitutes no part of the controversy between the two countries. We contended for the defence of American seamen generally ; the enemy has not distinguished between the one or the other class. He insists on continuing a custom which makes both equally liable to his oppression. We will not, we cannot, hear of a distinction, until some security is afforded against the abuse of which we complain. Until then, I can consider it only as an equivocation, which acknowledges the duty of the Government to protect, but evades the discharge of it. We are told that our seamen ask no protection, and that it is strange that those who are most remote and least interested should discover the greatest anxiety for them. As to the first part of this argument, I deny its truth. The sailors have claimed our protection. They have importuned and invoked their country for it. We have had their application for protection laid before this House in the form of a document. It forms a large volume. Considering the cold indifference with which we have heard their prayer, I wonder that they have not, long since, ceased to consider us as their guardians. But we who stand forth to discharge this sacred duty, are charged with being back-woodsmen, men who never saw a ship until convened here in our legislative capacity. Admit the fact, and what then ? Such generous sympathy for those who stand connected with us only by the ties of citizenship, does honor to our country. I hope it is not strange. It is usual. Our history abounds with many instances of this sympathy of the whole, with any part. When it ceases to be natural, we will cease to be one nation. It constitutes our real union—the rest is form. The wonder is, in fact, on the other side. Since it cannot be denied, that American citizens are held in foreign bondage, how strange that those who boast of being neighbors and relations, should be dead to all sympathy, or should not have the manly spirit to make a generous effort for their relief ! There was a time when our

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opponents, to their honor, were not so cold on this subject. The venerable gentleman from Massachusetts, and another gentleman, high in the ranks of his party, formerly felt and spoke as we now do on it—like Americans. How unhappy the change! how unaccountable! Unless, indeed, by the poisonous effects of the spirit of systematic opposition; a spirit which, I lately observed on another occasion, clings more strongly to the cause of a party than that of the country.

I will now proceed to consider the next cause of the war, the injuries done by Great Britain to our commerce. It is not my intention to speak of them in the detail, or to consider them as particular acts injurious to our trading interest. This view has been often presented, and is well understood. I propose to ascend to their origin, and to point out the spirit and principles of the Government from which they have flown. This view has not yet been taken, though it is of the most interesting nature. The detail of British injustice may rouse our indignation, but it is only by reflecting on the principles and character of her Government that we can justly appreciate the extent of our danger, and the measures best calculated to counteract it. Even the repeal of her Orders in Council, and the consequent suspension of commercial injuries, do not strip this view of the subject of any of its interest. For it ought ever to be remembered that the orders rescinding the celebrated orders of 1807 and 1809, expressly retain their principle. They, then, only slumber; and, as sure as we exist, her temper and policy will rouse them into action on the first suitable occasion, unless prevented by the firm and spirited conduct of this and other nations interested in a free trade. The commercial policy of Great Britain, which has vexed and annihilated the commerce of every other nation, began distinctly to develop itself in the year 1756, from which time to the present, I assert, without the fear of contradiction, she has habitually struggled to enlarge what she terms her maritime and belligerent rights on the ocean, at the expense of neutrals. The assertion is predicated on historical facts, which the general information of most of the members of this committee will enable them to decide for themselves. I have neither the inclination nor the time to recite and examine the whole series in connection. I will content myself with taking a brief notice of some of the most leading and characteristic facts. At their head, in point of time, is the order which takes its name from the year already mentioned, and which distinctly marks the commencement of this policy. The character of this celebrated rule or order is so well known as to need no comment. In the war of our Revolution she still farther enlarged her maritime and belligerent policy, particularly in the shape of blockades, since so enormously extended. This, and other encroachments at that time, produced that association of nations called the Armed Neutrality.

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The object of it was to check farther encroachments, and to remedy those that already existed. It was acceded to by almost every nation in Europe. On the breaking out of the French Revolution, she, in pursuit of the same policy, made farther encroachments. One of the most considerable, and which was severely felt by this country, was an enlargement of articles contraband of war, so as to extend them to the numerous and important articles of breadstuffs. This was during Washington's Administration, and was the principal one of that period of our history. Preparations were then made to appeal to arms for the redress of so serious an injury, but was prevented by England's agreeing to make compensation for the injuries which we had sustained. With such spirit did our Government then act, although the injury then sustained dwindled into nothing compared with the present; and with so little accuracy has a gentleman from New York (Mr. GROSVENOR) spoken, who not only magnified the aggressions of that period over the present, but stated that Washington was unwilling to resort to arms for redress. In the present war with France, her maritime and commercial policy has hastened to its perfection. In the year 1805, it assumed an aspect most threatening to our commerce. It fell on our carrying trade, at that time in a most flourishing condition. Let it be remarked—let it be laid up in our memory—that the old rule of '56, the parent of all these aggressions, was, after many years, revived, and made the apology for our wrongs. Just so may we expect the revoked orders to revive. Blockades and Orders in Council followed the destruction of our carrying trade. They are too recent, and too severely felt, to need a particular recital. Negotiation was tried—negotiation failed; and the injuries continuing, have ended in the present relation between the two countries.

But, say our opponents, these efforts are lost—and our condition hopeless. If so, it only remains for us to assume the habit of our condition. We must submit—humbly submit—crave pardon, and hug our chains. It is not wise to provoke where we cannot resist. But let us be well assured of the hopeless nature of our condition before we sink into submission. On what do our opponents rest this despondent and slavish belief? On the recent events in Europe? I admit they are great; and well calculated to impose on the imagination. Our enemy never presented a more imposing exterior. His fortune is at the flood. But I am admonished, by universal experience, that such prosperity is the most fickle of human conditions. From the flood the tide dates its ebb; from the meridian the sun commences his decline. There is more of sound philosophy than fiction in the fickleness which poets attribute to fortune. Prosperity has its weakness; adversity its strength. In many respects our enemy has lost by those very changes which seem to be so much in his favor. He can now

no more claim to be struggling for existence; no more to be fighting the battles of the world, and in defence of the liberties of mankind. The magic cry of French influence is lost. Hence were drawn those motives which stimulated her efforts almost to a morbid action; which united the Continent to her cause, and in some degree damped the ardor of her rival in power. In this very Hall we are not strangers to their magic influence. Here, even here, the cry of French influence, that baseless fiction, that phantom of faction, now banished, often resounded. I rejoice that the spell is broken by which it was attempted to bind the generous spirit of this country. The minority can no longer act under cover; but will be obliged to defend their opposition on its intrinsic merit.

On expatriation and retaliation, I will say nothing. The hour is late and I feel myself somewhat exhausted. I pass it the more cheerfully, as the gentleman from Louisiana (Mr. ROBERTSON) and my colleague have replied freely to the objection on those subjects.

Before I proceed farther, it will be necessary to restate the propositions with which I commenced, so that the entire chain of the argument, both that which has already been advanced, and what remains to be, may be distinctly seen. It will be remembered, that I reduced all the arguments and objections of our opponents to the passage of this bill into two general propositions. First, that the loan cannot be had, or must be had at an exorbitant interest; and in the next, if it could be, still it ought not to be granted, because the war is unjust and inexpedient. I also stated that the latter position comprehended the assertion of the facts of the injustice and inexpediency of the war; and the assumed inference that they would, if true, justify the minority in their opposition to, and rejection of the war. On the alleged injustice and inexpediency of the war, I have presented my opinion; and trust I have satisfied the committee that its justice is demonstrably clear, and its expediency unquestionable; or rather its necessity imperious, if the preservation of the independence of the country constitutes political necessity.

But is it justifiable to withhold the loan, admitting the war to be, in the opinion of our opponents, unjust and inexpedient? This is the question now proposed to be discussed. It contains the practical consequence of all that has been said in opposition. Few propositions involve principles so deeply connected with the lasting prosperity of our Republican institutions; and in which, consequently, it is more necessary to think correctly. Error here cannot be indifferent. A false mode of thinking must endanger the existence of the Republic. I must then again entreat the attentive and deliberate audience of the committee, while I offer my opinion and reasons on so interesting a subject.

In considering the question, how far a war thought to be unjust or improper by any portion of the people, would warrant their opposition

to it, after it is constitutionally declared, I will set out of it extreme or flagrant injustice. A war impious or sacrilegious cannot be governed by the general rules which apply to ordinary cases. At least, it is not necessary for me to consider such extreme cases, as none can impute a character of that kind at the present.

I have already stated that the sum proposed to be raised by this bill is indispensably necessary to meet the expenses of the ensuing year; and that if it is withheld, it must communicate a fatal shock to public credit. In that event, not only the invasion of Canada would be prevented, which some gentlemen state to be their object, but the whole operations of the war, even that which is defensive in the strictest sense, would be abandoned. Officers and soldiers will no more serve in our garrison than Canada without pay. It is idle to talk of preventing the reduction of the enemy's provinces only by withholding the loan. Nor can gentlemen be serious. They have opposed every attempt to raise supplies in whatever shape it has appeared. They appear to be bold in facing bankruptcy. But have they reflected on the disastrous effects of their efforts should they be successful? The old and recent creditors of the Government, the Army, the Navy, which they boast of cherishing; in a word, every individual would feel the calamity, for private no less than public credit would partake of the shock. I am wholly at a loss to perceive on what principle of expediency, policy, or morality, such conduct can be justified. Surely it is not an intuitive proposition, that, because the war is simply unjust and inexpedient in the opinion of the minority, therefore they have a right to involve the country in ruin, and place it bound as a suppliant at the feet of a haughty enemy. They then ought to state some intelligible and satisfactory principle on which their conduct may be justified. I have sought with attention, but have not found the semblance of such a one. On the contrary, all the analogies of private life, as well as reason, forbid and condemn the conduct of our opponents. Suppose a father do some act, which, in the opinion of a son, is not strictly just or proper, by which he becomes involved in a contest with a stranger. Would the son be justified in taking part against him? How much less then can any party be in opposition to their country in a war with another nation? for it stands in the place of the common parent of all, and comprehends, to use the language of a member, (Mr. GASTON,) all of the charities of life.

I would be glad to know what limits our opponents have prescribed to the opposition. If the supplies may be withheld because the war is unjust and improper in their opinion, will not the same reason justify every species of resistance both in and out of this House? If the public faith solemnly plighted—if the happiness of the country, are no checks to opposition, I see no reason why the laws or constitution should be. Let some intelligible limitation be prescribed.

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I see none—to me it appears lawless. I know it will be said, is all opposition to be proscribed? Is none justifiable? We proscribe nothing. We propose no law; no restraint on the conduct of the minority. We appeal to the virtue and the intelligence of the community only. On the people must finally fall the ruinous effects of erroneous and dangerous principles. If our liberty is lost, theirs is the cost. Our constitution supposes a degree of good sense and virtue in them adequate to self-government. If the fact is not so, our system of Government is founded in error. They only can arrest the effects of dangerous opposition. What they permanently condemn will meet with no support here.

How far the minority in a state of war may justly oppose the measures of Government, is a question of the greatest delicacy. On the one side, an honest man, if he believed the war to be unjust or unwise, would not disavow his opinion; but, on the contrary, an upright citizen would do no act, whatever he might think of the war, to put the country in the power of the enemy. It is the double aspect of the subject which indicates the course that reason approves. Among ourselves at home we may contend; but whatever is requisite to give the reputation and the arms of the Republic a superiority over its enemy, it is the duty of all, the minority no less than the majority, to support. Like the system of our State and General Governments—within them are many; to the world but one. So it ought to be with parties; among ourselves we may divide, but in relation to other nations there ought to be only the American people. In some cases it may possibly be doubtful, even to the most conscientious, how to act. It is one of the misfortunes of differing from the rest of the community on the subject of war.

A very important view of this subject yet remains to be presented to the committee; but I feel that the hour is too late, and I am too much exhausted to enter so fully into it as it deserves. The view alluded to is the effects of this war, which has been pronounced so ruinous by our opponents. On examination, strong reasons will be found, to believe that it is daily producing the most solid and lasting advantages to the community.

It has already liberated us from that dread of British power, which was almost universal before the declaration of war. If we have done little against our enemy, he had done still less against us. What the state of public feeling was on this point, may be in some degree inferred by the debates in this House before the declaration of war. I cannot but express my surprise at an assertion of a gentleman from Virginia (Mr. SHERFF) that all of his fears and predictions had been realized. Has he already forgot the speeches in which he and his friends portrayed the effects of the war in such glowing and terrific colors? Rebellion, civil war, prostrated liberty, and conflagrated towns, all mingled in one horrid group. [Mr. SHERFF

here explained.] It seems that the gentleman has availed himself of the usual privilege of political prophets. If events turn out any thing like their prediction they are claimed as fulfillments; but if entirely opposite they are explained away. No one who hears me, but will acknowledge that the dread of England was great and general. Her power over our hopes and our fears were too great for our complete independence, and but illy comported with the steady pursuit of our own peculiar interest. From this state the war has liberated us, I hope forever.

We have also acquired in some degree, and are progressively acquiring, what to me appears indispensable in the present state of man and the world; military skill and means, combined with the tone of thinking and feeling necessary to their use. Occasional privations are always to be encountered in the defence of national rights, and the habits necessary to meet them with fortitude are of the greatest importance. I know how much this country is attached to peace and quiet industry. I know how delightful repose and safety are to our nature. But universal experience and the history of those nations with whom we are necessarily connected, forbid me to indulge in the pleasing dream, that any degree of prudence or justice on our part can render such a state perpetual. The ambition of a single nation can destroy the peace of the world. We must then submit to the inscrutable law of our nature, which forbids the hope in this world of uninterrupted peace and enjoyment. We must also, as prudent men, rejoice at the acquisition of those national qualities necessary to meet the vicissitude of war when unavoidable. Connected with this subject, I rejoice to behold the amazing growth of our manufacturing interest. I regret that I cannot present my thoughts fully on this important subject. It will more than indemnify the country for all of its losses. I believe no country, however valuable its staples, can acquire a state of great and permanent wealth without the aid of manufactories. Reason and experience both, I conceive, support the position. Our internal strength and the means of defence are by them greatly increased. War, when forced on us hereafter, will find us with ample means; and will not be productive of that distressing vicissitude which follows it, where the industry of the country is founded on commerce, the agriculture dependant on foreign market. Even our commerce in the end will partake of the benefits. Rich means of exchange with all of the world will be furnished to it; and the country will be in a much better condition to extend to it efficient protection. I have merely suggested the topics of arguments on this important branch of our political economy: and will conclude by hoping that on some future occasion it will receive a suitable discussion.

When Mr. CALHOUN concluded, the committee rose, and the House adjourned.

MONDAY, February 28.

The Loan Bill.

The House again went into Committee of the Whole on the Loan bill.

Mr. PICKERING, of Massachusetts, said :

I fear, Mr. Chairman, that in discussing the subject before the committee, I shall disappoint the expectations of my friends, without satisfying myself. For, though I have been long in public life, I have been but little used to public speaking. The memory, the arrangement, and the comprehensive view of a subject, which are necessary to a public speaker, in me are deficient. I shall endeavor, however, to lay before the committee facts which I deem important, with such just inferences as shall occur to me ; relying on the discernment of gentleman to supply the rest.

A gentleman from South Carolina (Mr. CALHOUN) has told you that the object of the minority was, to destroy the faith of the Government by preventing the loan. I am indeed opposed to the loan ; but I distinguish between the faith of the Administration, and the faith of my country. The credit of the country is good, and under a proper Administration, acting in a cause in which the great interests and welfare of the country were at stake, the loan would be effected. My aim is, to put an end to this unjust and ruinous war ; and therefore I will oppose all supplies for carrying it on. It is the duty of Congress to withhold supplies, pursuant to a power vested in them by the constitution, when necessary to prevent any Administration from persevering in measures injuriously affecting the public welfare.

The same gentleman told us, that it was a maxim among the Romans, "that their country was never to be presumed to be in the wrong." Had not the Roman people been influenced by this maxim ; on the contrary, had they questioned the rectitude of the measures of their Government, and reasoned on the causes and pretences for their perpetual wars, the ancient world might not have been deluged with blood ; while nations sunk beneath the arms directed by the ambitious leaders of that Republic, as the continental nations of modern Europe have fallen before the arms of France ; which, both in her Republican and Imperial state, appears to have taken Rome for her model. Any government may err, either ignorantly or corruptly, and in either case, its measures tending to public mischief ought to be opposed.

The same gentleman, adverting to the alleged causes of the war, the British Orders in Council and Impressments, said he would first consider impressments, "because a man is preferable to a bale of goods." Yet property is the ground of almost all the quarrels among mankind, as well between nations as individuals. It was *property*, affected by the Orders in Council, which was professed to be the principal cause of this war. *Property* was, in fact, the primary cause of the contest with our mother country, which terminated in the war of our Revolution. Great

Britain imposed small duties on a few articles of our imports from her, and claimed a right to impose others by an act of Parliament ; and thus to take from us our *property* without our consent. I will therefore first inquire into the character of the British Orders in Council.

By our treaty with France, in 1800, concluded with Bonaparte himself, then First Consul, in the 12th article it was agreed as follows :

"It shall be lawful for the citizens of either country to sail with their ships and merchandises (contraband goods always excepted) from any port whatever, to any port of the enemy of the other, and to sail and trade with their ships and merchandises, with perfect security and liberty, from the countries, ports, and places of those who are enemies of both or of either party, without any opposition or disturbance whatever ; and to pass not only directly from the places and ports of the enemy aforementioned, to neutral ports and places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be, or be not under the same jurisdiction, unless such ports or places shall be actually blockaded, besieged, or invested."

In flagrant violation of this article, Bonaparte, having overturned the Prussian monarchy, and seated himself in its capital, Berlin, there, on the 21st of November, 1806, issued a decree (thence called the Berlin decree) in the preamble of which he sets forth his pretended causes, the falseness or futility of which I shall show as I proceed.

"1. That England does not admit the right of nations, as universally acknowledged by all civilized people."

This general, sweeping and false declaration, appears to be the text to be exemplified in the articles which follow.

"2. That she declares as an enemy every individual belonging to an enemy State, and, in consequence, makes prisoners of war, not only of the crews of *armed* vessels, but also of *merchant* vessels, and even the supercargoes of the same."

This charge against England might, with equal justness, be made against the United States, and all other nations ; for all, including France herself, have always considered the crews of *merchant* vessels as well as of *armed* vessels, to be prisoners of war, and confined them accordingly.

"3. That she extends or applies to merchant vessels, to articles of commerce, and to the property of individuals, the right of conquest, which can only be applied or extended to what belongs to an enemy State."

In this England does no more than the United States did in the war of our Revolution, and do in the present war, and what all maritime nations have ever done ; that is, capture enemy's merchant vessels and merchandise found on the high seas ; and to capture them, is the object and hope of all our privateering.

"4. That she extends to ports not fortified, to harbors and mouths of rivers, the right of blockade, which, according to reason and the usage of civil-

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ized nations, is applicable only to strong or fortified ports."

This article, like the others, stating first a justifiable fact, is false in its conclusion. The right to blockade ports, harbors, and mouths of rivers, though not fortified, is not disputed by our own Government; whose only complaint has been, that such places have not, in all cases, proclaimed to be under blockade, being blockaded in fact, by a sufficient naval force stationed before or near them, so as to render the entrance of our neutral vessels dangerous.

"5. That she declares blockaded, places before which she has not a single vessel of war; although a place ought not to be considered blockaded, but when it is so invested, as that no approach to it can be made without imminent hazard; that she declares even places blockaded which her united forces would be incapable of doing, such as entire coasts, and a whole empire."

By a document communicated by President Jefferson to Congress, in December, 1808, as one of the acts of the British Government imposing an illegal blockade in the West Indies, it appears plainly that the British Admiral exceeded his authority; the orders from his Government being, "that the strictest naval blockade be established over the Leeward French Islands," evidently meaning, by stationing a sufficient naval force before the ports so declared to be blockaded; for the British Government never claimed any other right of blockade.

As to the Emperor's charge, that Great Britain had declared "entire coasts and a whole empire" to be blockaded, it is one of those unfounded assertions which he can utter with great facility, particularly when Great Britain is the subject of reproach. The declaration of the most extensive blockade of a coast by the British Government, that I have any knowledge of, was that from the Elbe to Brest.

On such false and fallacious grounds the French Emperor issued his Berlin decree; of which the following are the articles most pointedly violating our neutral rights, and his treaty with the United States, as well as the rights of Great Britain under the law of nations.

"Art. 1. The British islands are declared to be in a state of blockade."

This, in its terms, subjected to capture, by the French cruisers, all neutral vessels entering or attempting to enter any British ports; and nothing but the absolute inability of the Emperor to execute this part of his decree, prevented its being carried into effect.

"Art 4. All magazines, merchandise, or property whatsoever, belonging to a subject of England, shall be declared lawful prize."

The object of this article was, to authorize his Ministers and officers to seize on all property of British subjects, wherever found, especially in neutral territories, where, by the law of nations, it should have been secure, and sacred as neutral property itself; but no rights have been

regarded, where the power of the French Emperor could extend.

"Art. 5. The trade in English merchandise is forbidden. All merchandise belonging to England, or coming from its manufactories and colonies, is declared lawful prize."

By this article, the manufactures of England, and the productions of her colonies, although the property of citizens of the United States, or of other neutrals, became liable to capture and condemnation. If its immediate execution against American vessels, in the European seas, did not take place, it was owing to causes not explained; and not to the Emperor's intention to dispense with it; as he subsequently declared that he had made no exception in favor of the United States. It was in fact executed against our vessels by some French privateers in the West Indies, as was stated by Mr. Madison himself.

But the great object of the Berlin decree was, to blockade the ports of the Continent of Europe against the entrance of British vessels, and of the vessels of every nation laden with the manufactures or productions of Great Britain or of her colonies and dominions; in order to ruin her commerce, and thereby destroy her power, which so eminently depended on the wealth and revenues arising from commerce. And on the Continent, the decree was carried into immediate execution; at Hamburg within four days from its date; although that city formed an independent neutral State, entitled to entire exemption from military coercion and violence. The French Minister there caused all English merchandises, "no matter to whom they belong," to be seized and confiscated. The same course was directed to be pursued in all other places, enemy or neutral, occupied, or which should be occupied by French troops.

On the last day of the next month, December, 1806, the treaty negotiated with the British Government, by Mr. Monroe and Mr. Pinkney, was signed. But, before the signing, the British Commissioners mentioned to our Ministers this outrageous decree of Berlin, which threatened to subvert the rights and independence of neutral powers; and for the information of their Government, delivered to them a note declaring, that "if the enemy (France) should carry those threats into execution, and if neutral nations, contrary to all expectation, should acquiesce in such usurpations, his Majesty might probably be compelled, however reluctantly, to retaliate in his just defence, and to adopt, in regard to the commerce of neutral nations with his enemies, the same measures which those nations shall have permitted to be enforced against their commerce with his subjects."

In the mean time, to check and counteract the violence of France, in actual execution, on the Continent, against British commerce, and against all trade in the manufactures and productions of the British dominions, the British Government issued their Order in Council of the 7th of January, 1807, prohibiting not all

commerce with France, as she, by the Berlin decree, had forbidden all commerce with England—but ordering “that no vessel shall be permitted to trade from one port to another, both which ports shall belong to, or be in possession of France or her allies, or shall be so far under their control, as that British vessels may not freely trade thereat.” This Mr. Jefferson called “a new law of the ocean;” although similar to, but less rigorous than an old and established law of France, which prohibited neutral vessels laden, in whole or in part, at one port of an enemy, to go to the ports of any other country than their own, whether allied to France, neutral or enemy. The great object of the British order was, apparently, to prevent neutral vessels carrying on the coasting trade of France, and the intercourse by sea between her and her allies; for the naval power of Great Britain having either captured, or driven from the ocean, the trading vessels of her enemies, they were constrained to resort to neutral vessels to carry on their commerce with one another, and in a greater or less degree, their coasting trade.

This very candid and friendly notice of the course Great Britain might be obliged to pursue, if neutral nations submitted to the Berlin decree, was represented by President Jefferson as cause of offence to the United States, and that no treaty, accompanied with the terms of that note, would be admissible. I know it will be said, that our Government did not submit, but demanded an explanation of the Berlin decree. It is true, that an explanation was asked of the French Minister of Marine, Decres, and that he, contrary to the spirit and letter of the decree, said it was not intended to infringe upon the treaty then subsisting between the United States and France; but added, that he was not competent to decide, and that application must be made to the Minister of Foreign Affairs, Talleyrand, then with the Emperor at Berlin. Whether such an application was ever made, or answered if made, has not been publicly known.

The obviously proper course to have been taken by our Government was, to have demanded, not an explanation of a decree, which was too plain to require one, but its revocation; and upon the refusal to revoke, to interdict all commercial intercourse with France and her allies, and to have armed our ships, if necessary, for the protection of our commerce; which, owing to the small number of French cruisers, would then have sustained but little injury. Instead of taking this safe and honorable course, our Government contented themselves with the absurd explanation of the Minister, Decres, until the Emperor himself declared it erroneous and unfounded, and that no exception was intended in favor of the United States.

Such was the state of things when Great Britain, having waited almost a year, seeing the Berlin decree operating most injuriously to her commerce with the European Continent, all its ports (those of Sweden excepted) being shut

against her; Russia, pressed by the French arms in 1807, having also adopted the French Emperor's continental system, pursuant to the treaty of Tilsit; in this state of things, the British Government issued their Orders in Council, of November 11th, 1807. These orders have been pronounced to be contrary to the law of nations, and unjustifiable; and this opinion, proceeding from men in power, and other citizens of distinction, became, probably, the current opinion of the United States. But, for my own part, from the moment that I read those orders, I considered them as justifiable on the ground of retaliation, and on the principles of public law. Of the correctness of my own opinion, however, I should have entertained some doubts, had it not been confirmed by the opinions of gentlemen, among my friends, who were as conversant with public law, and thought as profoundly, as any citizens of the United States. Among these was one of the first of men*—perhaps the brightest luminary that ever shone on this Western hemisphere.

The French Emperor, by his Berlin decree, and his orders for carrying it into complete and rigorous execution, had subverted the public law of Europe; and by his arms and influence, had brought all the nations (Sweden excepted) to bear against England alone; all thus conspiring for her destruction. What should she do against a world in arms? What would the sense of such impending danger, and the duty of self-preservation, suggest to any nation? Certainly to retort upon those combined enemies and conspirators, the evils of their own injustice and violence; and, as they had taken new and extraordinary measures to deprive her of commerce, that she should retaliate and interdict all commerce with them. This she did by her Orders in Council, and in my view, on the principles of reason and public law. In every new case, to which existing laws do not extend, reason is to be consulted—“reason, whose authority (says Bynkershoek) is of so much weight in the law of nations”—“reason, which is the soul of the law of nations.” The municipal laws of a single State, when circumstances are changed, undergo corresponding changes; and when new cases arise, new laws are framed to provide for them. And such a new state of things had been introduced into the civilized world, by the ambition, injustice, and tyranny of the French Emperor; justifying and requiring, on the part of the nations not yet subjugated, new and extraordinary measures to provide for their safety and independence. On these grounds, the British Orders in Council have appeared to me perfectly justifiable; and, consequently, that they never furnished any cause or pretence for the present war; a war on our part, as unnatural and cruel as it was unjust. But, instead of resenting and resisting, as we ought to have done, the Berlin decree, our Government commenced a system

* The late Chief Justice Parsons, of Massachusetts.

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of restrictive measures; in form levelled equally against France and Great Britain, but really intended to injure Britain only, while they aided the cause of France. This brings me to the consideration of a subject, old and stale, indeed, but of essential importance to be well understood; and which therefore I will re-examine—I mean the embargo of December, 1807, the fruitful and immediate source of all the evils which have since afflicted our country; producing non-intercourse and non-importation, and terminating, as to the United States, in the greatest of all evils—war.

It will be recollected, that, just before this embargo was laid, the United States vessel *Revenge* arrived from France, with despatches from our Minister, General Armstrong. They arrived at Washington on the 14th of December, 1807. By the *Revenge*, news was brought that the French Emperor had said there should be no neutrals. This, indeed, was not long after gravely denied; but at length it came out in General Armstrong's own despatches, that the Emperor had said, the United States shall take the positive character of allies or enemies. But the people of the United States were not then prepared for a war against Great Britain. A gradual training for some years was requisite to bring them to that point. Nor were they prepared to adopt, knowingly, Bonaparte's continental system; it could be introduced only under the disguise of an embargo; a name universally understood to mean a very temporary suspension of the sailing of vessels for some special occasional purpose.

Four days only after the arrival of the despatches from France, President Jefferson sent to Congress the following Message:

*To the Senate and House of
Representatives of the United States:*

The communications now made, showing the great and increasing dangers with which our vessels, our seamen, and merchandise, are threatened on the high seas, and elsewhere, from the belligerent powers of Europe; and it being of the greatest importance to keep in safety these essential resources, I deem it my duty to recommend the subject to the consideration of Congress, who will doubtless perceive all the advantage which may be expected from an inhibition of the departure of our vessels from the ports of the United States.

Their wisdom will also see the necessity of making every preparation for whatever events may grow out of the present crisis.

I ask a return of the letters of Messrs. Armstrong and Champagny, which it would be improper to make public. TH. JEFFERSON.

DECEMBER 18, 1807.

The communications consisted of four papers. The first a proclamation by the King of Great Britain, dated the 16th of October, 1807, "for recalling and prohibiting British seamen from serving foreign Princes and States." This proclamation had been published in our newspapers. It was a newspaper copy Mr. Jefferson communicated to Congress. Far from having

excited any alarm, it naturally lessened the public apprehensions on the subject of impressments; because, although it commanded British naval officers to seize and take, as usual, British natural born subjects from on board foreign merchant vessels, they were strictly enjoined "to permit no man to go on board such ships and vessels belonging to States at amity with Great Britain, for the purposes of so seizing upon, taking, and bringing away such persons aforesaid, for whose discreet and orderly demeanor the said captains could not answer; and that they should take especial care that no unnecessary violence be done or offered to the vessel, or to the remainder of the crew, from out of which such persons should be taken."

The second paper was a letter (bearing date September 18, 1807) from the French Grand Judge, Regnier, to the Imperial Procureur (or Attorney) General of the Emperor's Council of Prizes, containing the Emperor's declaration concerning his Berlin decree. To the question, "1. Can armed vessels, under that decree, seize, in neutral vessels, either English property, or merchandise proceeding from the manufactures of the English territories? His Majesty notifies me, that since he had not thought proper to express any exception in his decree, there is no ground to make any in the execution with respect to any thing whatsoever." "2. His Majesty has not decided the question, whether French armed vessels may possess themselves of neutral vessels going to or from England, although they have no English merchandise on board." Why this decision was delayed, does not appear. Probably, it was for the purpose of watching for some favorable conjuncture, when the few French cruisers that could venture to sea might make a more extensive sweep of neutral vessels, thrown off their guard by a temporary forbearance.

Of these two papers no secret was made; and for a plain reason—that both had been published in the newspapers: the British proclamation at full length, and the essential part of the letter of the French Grand Judge.

The third paper was General Armstrong's letter to the French Minister, Champagny, simply asking whether the Emperor, by his Berlin decree, intended to violate his treaty with the United States. And the fourth paper was Champagny's answer, announcing, with the usual assurance of a French Minister, that it was easy to reconcile the measures adopted under the Berlin decree with the observance of treaties. I will read these two letters.

General Armstrong's letter to M. Champagny.

PARIS, September 24, 1807.

SIR: I have this moment learned that a new and extended construction, highly injurious to the commerce of the United States, was about to be given to the Imperial decree of the 21st of November last. It is, therefore, incumbent on me to ask your Excellency an explanation of his Majesty's views in relation to this subject, and particularly whether it be his Majesty's intention, in any degree, to infract the

obligations of the treaty subsisting between the United States and the French Empire?

I pray your Excellency, &c.

JOHN ARMSTRONG.

The answer of M. Champagny to General Armstrong, dated October 7, 1807.

SIR: You did me the honor, on the 24th of September, to request me to send you some explanations as to the execution of the decree of blockade of the British Islands, as to vessels of the United States.

The provisions of all the regulations and treaties relative to a state of blockade have appeared applicable to the existing circumstance; and it results, from the explanations which have been addressed to me by the Imperial Procureur General of the Council of Prizes, that His Majesty has considered every neutral vessel going from English ports, with cargoes of English merchandise, or of English origin, as lawfully seizable by French armed vessels.

The decree of blockade has been now issued eleven months. The principal powers of Europe, far from protesting against its provisions, have adopted them. They have perceived that its execution must be complete, to render it more effectual; and it has seemed easy to reconcile these measures with the observance of treaties, especially at a time when the infractions, by England, of the rights of all maritime powers, render their interest common, and tend to unite them in the support of the same cause. Accept, &c.

CHAMPAGNY.

Here we see that Armstrong's and Champagny's letters exhibit no new source of danger to our seamen, ships, and merchandise; but, on the contrary, refer directly to the Emperor's decision in Regnier's letter, already published in substance, and not attempted by Mr. Jefferson to be concealed. Why, then, did he say that Armstrong's and Champagny's letters ought not to be made public, and, with over-abundant caution, desire the return of them to himself? The answer is easy. Had the letters been published, the bold imposture would have been detected. Although the majorities in the two Houses of Congress, reposing a blind confidence in Mr. Jefferson, did not discern the imposition, citizens abroad would at the first glance, have discovered and denounced the cheat; and the nation, shocked at the contemplated mischief, would not have acquiesced in the measure. But a mystery was thrown over the transaction, by the solemn withdrawing of those two harmless letters; which, it was natural for the people to suppose, contained the evidences of the mighty dangers against which the entire shutting up of our ports was a necessary precaution. The project succeeded; and the people, for near fifteen months, endured all the evils and losses of a suspended commerce and navigation, which had given employment and subsistence to some hundreds of thousands of citizens on the seaboard, and general prosperity to the country. But what ought to be the surprise of gentlemen, after all this mysterious secrecy about the two letters of Armstrong and Champagny, to be informed that, precisely three months after passing the Embargo law, to wit, on the 22d of March, 1808, Mr. Jefferson, of his own accord,

laid these same letters openly before Congress? But how? Mingled with a mass of other documents, making now a printed volume of upwards of five hundred pages! And strangers would not suspect, nor members of Congress know, (unless they had good memories,) that the two letters had any relation to the embargo.

I have called the two letters harmless; and so they were, as to any indications of increased danger to our seamen, ships, and merchandise; but in Champagny's, may be seen the latent cause of the embargo. I have before remarked, that the essence and main operation of the Berlin decree, declaring the British islands in a state of blockade, was the shutting up of the ports of the European continent (thence called the continental system) against all British ships, and against all the manufactures and productions of the British dominions, in neutral ships, for the purpose of reducing and destroying the commerce of Great Britain, and with that her naval power. And the French Minister tells General Armstrong, that the principal powers of Europe, far from protesting against the provisions of the Berlin decree of blockade, had adopted them; and that they had perceived "that its execution must be complete, to render it more effectual." And what was wanting to render it complete? Nothing but to shut up, in like manner, all the ports of the United States, between which and the British dominions commercial intercourse was of vast extent, and alike advantageous to both countries. And this adoption and completion of the French Emperor's continental system was effected under the deceitful name of embargo.

I pray gentlemen to remember, that this embargo was recommended solely and absolutely on the great and increasing dangers to our seamen, ships, and merchandise, pretended to be manifested in the four papers communicated with Mr. Jefferson's Message. Now, I will show, from his own documents, that both he and Mr. Madison (then Secretary of State) knew, and soon after acknowledged, that no such dangers existed.

Mr. Madison, in his letter of March 25, 1808, (only three months subsequent to the Embargo law,) to the British Minister here, Mr. Erskine, referring to the Berlin decree, represents it as a mere declaration of the French Emperor, either without the intention or without the means to carry it into effect against the United States; and therefore not authorizing the retaliatory measure of the British Orders in Council.

But still earlier, on the 8th of February, 1808, only seven weeks after the embargo was imposed, Mr. Madison, writing to General Armstrong, and pronouncing the Berlin decree, as construed and enforced by the Emperor, to be as well a violation of our treaty with France, as of the incontestable principles of public law, declares—"The conduct of the French Government, in giving this extended operation to its decree, and, indeed, in issuing one with such an apparent or doubtful import against the rights of

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the sea, is the more extraordinary, inasmuch as the inability to enforce it on that element exhibited the measure in the light of an empty menace."

And now, sir, who can think with patience on the extensive mischiefs brought on the people of the United States by this embargo, when the Berlin decree, in which the alleged increased danger lay, was known, and so soon after was acknowledged, to be an empty menace, though solemnly declared by Mr. Jefferson "to show great and increasing dangers to our vessels, seamen, and merchandise?"

I am aware, Mr. Chairman, that it may be, as it has been said, that the British Orders in Council were a principal cause of the embargo; but, sir, well-known facts and the public documents demonstrate the assertion to be unfounded. The President, as I have said, rested his re commendation of an embargo solely on the papers he communicated; and in the Senate, (of which I was then a member,) while the embargo bill was before it, not one word was said of British Orders in Council. Further, Mr. Madison in his letter, dated December 28, 1807, (the day after the Embargo law was passed,) to Mr. Pinkney, (our Minister in London,) says: "I avail myself of the opportunity to enclose you a copy of a Message from the President to Congress, and their act in pursuance of it, laying an immediate embargo on our vessels and exports. The policy and the causes of the measure are explained in the Message itself." It is true, that about two months afterwards, when the British Orders in Council had become known, Mr. Madison made some change in his language. It was then convenient to do so. In his letter of February 19, 1808, to Mr. Pinkney, he says: "My last, which was committed to the British packet, enclosed a copy of the act of Embargo, and explained the policy of the measure;" artfully omitting "causes," and adding, "among the considerations which enforced it, was the probability of such decrees as were issued by the British Government on the 11th of November; the language of the British Gazette, with other indications, having left little doubt that such were meditated." But, sir, this was an afterthought, eagerly laid hold on by the advocates of the Administration to appease the growing discontents of the people, suffering under a total interdict of their commerce, without any known cause. To put this miserable pretence at rest, I will recur, in confirmation of the evidence I have already given, to the report of the Committee of Foreign Relations, made to the House of Representatives on the 22d of November, 1808, of which Mr. George W. Campbell (now Secretary of the Treasury) was the chairman. In that report the committee, endeavoring to repel the charge of acquiescence in the unlawful aggressions of either France or England, say: "The Milan decree of December, 1807, can still less rest for its defence on the supposed acquiescence of the United States in the British orders of the preceding month, since

those orders, which have not certainly been acquiesced in, were not even known in America, at the date of the decree." Now, the decree of Milan was issued in Italy by the French Emperor, on the 17th of December, 1807; and it was on the morning of the next day, in this city, that Mr. Jefferson recommended to Congress the laying of the embargo. It was grounded, as I have shown, solely on the papers communicated with this Message; three of which, and the only ones which presented even the semblance of danger, had recently arrived from France. I may mention another fact corroborating the evidence that the embargo was laid in concert with the French Government, or in conformity with its views. Letters were received in America, from merchants in Holland, stating that General Armstrong had said that a general embargo would take place in the United States immediately on the arrival of the *Revenge*. And the fact was, (as I have before stated,) that in four days after the despatches by the *Revenge* had reached Washington, the embargo was recommended. Still further, we know that the French Emperor "applauded the embargo,"* and that he issued his Bayonne decree April 17, 1808, directing all American vessels which should thereafter come into any of the ports of France to be seized; because no vessel of the United States could then navigate the seas without violating the embargo law. And thus while he, so well pleased with the embargo, as it came in aid of, and rendered complete, his continental system, issued a decree to assist in carrying it into perfect execution, our Administration,† directing General Armstrong to "remonstrate against the injustice and illegality of the French decree" (that of Berlin, for the Milan decree had not then reached America) suggested, that the embargo would be continued until the Berlin decree should be repealed! This farce might amuse, but for the serious and extensive mischiefs which flowed from it.

But it has been said that, prior to the embargo, there were rumors and newspaper reports of orders contemplated by the British Government, like those issued in November, 1807. And did ever an intelligent legislator think of taking rumors and newspaper reports for the foundation of a law; especially of a law which shut up the ports and interdicted the commerce of the whole nation—a commerce the second only in the world for its extent? The pretence is as shameful as it is ridiculous.

One more remark: The embargo law was unlimited in the terms of its duration, and doubtless was intended, by its projector, to be commensurate in length of time with the French Emperor's continental system; that is, with the continuance of the European war; by the termination of which, had the people suffered the

* Letter of August 5, 1810, from the French Minister, the Duke of Cadore to General Armstrong.

† Mr. Madison's letter to General Armstrong, dated February 8, 1808.

embargo to remain, we should have had neither seamen, ships, nor merchandise. And this, probably, was the wished for consummation; for, in Mr. Jefferson's Notes on Virginia, after a plausible flourish on commerce, and a navy for its protection, he says: "Perhaps, to remove as much as possible the occasions of making war, it might be better for us to abandon the ocean altogether, that being the element whereon we shall be principally exposed to jostle with other nations; to leave to others to bring what we shall want, and to carry what we can spare. This would make us invulnerable to Europe, by offering none of our property to their prize, and would turn all our citizens to the cultivation of the earth. It might be time enough to seek employment for them at sea when the land no longer offers it."

I have gone back to the embargo, because, though it was not the first attempt to interrupt a friendly and useful intercourse with Great Britain; yet it was the first great measure levelled against her, and against our own commerce and prosperity. It was the first great link in that chain of ruinous measures with which we have been bound for the last six years, and the fruitful source of all the evils with which we have been afflicted; it produced non-intercourse, non-importation, and war. For the embargo having been imposed (as I have demonstrated) in concert with, or in suberviency to France, could not be abandoned without some substitute. And this was the non-intercourse law. The people being unwilling to submit any longer to the continental system, which, having for fourteen months shut up all our ports, was driving them to beggary and ruin. The ports, therefore, were opened, and our vessels permitted to depart, and carry with them our productions and merchandise to all countries, except those of France and Great Britain, and their dependencies. The effect of this absurd measure (originating partly in the pride of the Administration, who had relied so much on the efficacy of their restrictive energies) was seriously injurious to ourselves, by compelling our merchants to send their cargoes to other countries than those where they were chiefly to be consumed.

Mr. Chairman, in the course of the debates on the Loan bill, some gentleman spoke of the Russian mediation, on which I had publicly written, stating that the Russian Minister, Mr. Daschkoff, had made an offer of it without orders from his Government; whereas it now appeared, from the documents lately communicated by the President, that Mr. Daschkoff was instructed to offer the mediation of his master, the Emperor Alexander, to effect a peace between the United States and Great Britain; and the gentleman expressed his expectation that my candor would induce me to acknowledge I had been in an error. Sir, I shall never hesitate, on proper evidence, to confess an error; but in this case I have nothing to retract. I publicly announced, that my whole statement

rested on the information I had received—but received from a gentleman on whose correctness I relied. And, sir, I still think the reliance was just. I entertain no doubt that a verbal offer was made without instructions, and rejected. The gentleman's information, as I stated it, came down to the 6th of March, 1813; to which Mr. Daschkoff had received no instructions. And within a few days I have learnt, very accidentally, though from an authentic source, that it was on the same 6th of March, and I understand on the evening of that day, the despatches containing Mr. Daschkoff's instructions, came to his hands; and on the 8th of March he tendered the mediation in a letter to the Secretary of State.

Here, sir, give me leave to notice the advantage attempted to be taken by different gentlemen, of one expression in Mr. Daschkoff's letter, to justify our Government in declaring war. Mr. Daschkoff says—"His Majesty, who takes pleasure in doing justice to the wisdom of the Government of the United States of America, is convinced that it has done all that it could do to prevent this rupture." If, sir, such a sentiment be expressed in Mr. Daschkoff's instructions from his Government, it must be viewed as one of those diplomatic compliments which mean nothing; and which, if taken seriously by any diplomatist of any experience, would render him ridiculous. And unquestionably an equal compliment, whatever it might be, was paid to the British as to the American Government. But certainly the Russian Government could not have expected that either would have been published to the world. And if we suppose the sentiment was expressed to the American Government, exclusively, we must also suppose that the Emperor Alexander was willing to charge the Government of his distinguished ally, Great Britain, with a conduct directly opposite to that of the American Government; that is, as persisting in claims unreasonable and unjust—a supposition not easily to be admitted, because the imputation is grossly affrontive to Great Britain. But, after all, (as drowning men will catch at straws,) of what value is the sentiment, if really expressed in Mr. Daschkoff's instructions? What does the Emperor Alexander know of the merits of the controversy, which, for so many years, has been kept up between our own and the British Government? Who can be weak enough to imagine, that, amidst the cares of his vast empire, he has spent any time in examining the many volumes of letters and other documents which have been written and published on this subject? The number even of American citizens who have read them, with the critical attention requisite to the forming of a correct opinion, is very small; nor is it credible that the Russian Minister of State, Count Romanzow, was sufficiently acquainted with the controversy to have pronounced such a definitive opinion. And, therefore, if he did entertain that opinion, it must have been formed on the information

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given him on one side of the question by Mr. Adams; a circumstance, if true, that will show how ill-qualified was the Russian Minister of State to act, in the name of the Emperor, the part of a mediator. The case was simply this: The Emperor knew that war had taken place between the United States and Great Britain, and was solicitous to effect a reconciliation, because he wished for the uninterrupted and undiminished aid of his great ally, in the common cause of Europe, against the dangerous power of France; and at the same time that his subjects, who had been long suffering under the French Emperor's continental system, might enjoy all the benefits of a free communication with the United States.

By the papers communicated about the Russian mediation, it appears that the British Minister at St. Petersburg offered to give a passport to an American vessel, to proceed to the United States with the despatches of Mr. Adams, and those of the Russian Government containing the offer of its mediation, provided the vessel should touch in England; a condition with which, Mr. Adams says, "he did not think it suitable to comply." Why it was not suitable is not intimated. Had the vessel been despatched, and touched in England, she might have brought with her the decision of the British Government, not to accept the mediation, and thus have prevented the useless mission to Russia, and the delay, for near a year, of measures for a direct negotiation to put an end to the war, if that was really desired. There are many other topics, Mr. Chairman, which have been introduced into this debate, and which I intended to notice; but, weary of the subject, I shall pass them by, and conclude with a few observations on the Army and Navy of the United States, as employed in the present war.

In the debate on the bill for filling the ranks of the Army, in order to continue the war, one reason assigned was, "to redeem the military character of the country." Sir, I do not think it needs redemption; I mean, that I do not think our country disgraced. The like materials for an army exist as in the time of our Revolutionary war. But, soldiers are not formed in a day. New officers and new men require much and long instruction. Soldiers taken from the tranquil walks of civil life must pass through a course of strict discipline, and be gradually inured to dangers, to acquire the steadiness necessary to meet, on equal terms, the regular troops of an enemy. The uniform exercise of the musket is the easiest part that soldiers have to learn. To march, to wheel, to change their positions as the scenes of action change, and yet preserve their order, are the difficult parts of duty. If without such essential preparation our troops have been led into action, disasters were to have been expected.

Entirely different is our Naval war. There, both officers and men have already learnt to march on the mountain wave, and their minds

are familiar with danger—with the perils of storms and tempests—that would appal the hearts of landmen. They are also, as seamen, perfectly skilled in all the movements and manœuvres rendered necessary by changes of the wind or the conduct of the enemy; and nearly all they want besides, at the breaking out of war, is to learn the exercise of cannon—a work of ten or fifteen days. Hence it was, that very early after the commencement of the war of our Revolution, our armed vessels met those of the enemy on equal terms, reckoning man for man and gun for gun. And, for myself, I wanted no new proofs of our ability to meet an equal enemy on the seas. That, in the encounters which have happened in the present war, a superiority has appeared on the side of the American armed vessels, is not surprising, when it is considered, that by the war, nearly all our seamen were thrown out of employment—the declaration of war having put an end to our fisheries, and almost annihilated our mercantile navigation—whence it happened that our naval officers had it in their power to man their vessels with a superior class of sailors. The enemy, on the other hand, manning thousands of merchant vessels, and many hundred vessels of war, had their choice of seamen lessened. For a long time, too, they had been almost without an enemy on the ocean; and their only enemy there, they had been accustomed almost uniformly to beat, and consequently to despise. Hence, they had grown over-confident and careless—circumstances which, even when the forces should be equal, could hardly fail to produce defeat and disgrace.

THURSDAY, MARCH 3.

The Loan.

The House resumed the consideration of the unfinished business, viz: the bill authorizing a Loan.

Mr. MACOX, of North Carolina, said his anxiety for the question, and for an early adjournment of Congress, would have induced him to remain in his seat, but that it was now near four o'clock, and he did not expect that any vote would be taken to-day, except the one on the passage of the bill, and he would not delay that but for a short time; he would, therefore, express his opinion in as few words as he could on some of the topics which had been brought into the debate.

It has, Mr. Speaker, been more than once hinted or insinuated that the Southern States are unfriendly to New England. These hints and insinuations are founded in error. No fact had been stated, nor in his opinion could one be stated, which would justify the remarks he had frequently heard made on this subject. Such remarks produce no effect in the Southern States, because the people there know there is no foundation for them, and it is possible they were not intended for that part of the nation;

indeed, it seems impossible, unfounded as they are, that they should produce any in any part of the country. The fact, if true, could be easily ascertained by almost any person living in New England, because every year people emigrate from there to the Southern States, and the emigrants could surely furnish the proof if it existed. The truth is, the emigrants are there received as brethren of one great family. Besides, it must be known to many gentlemen in the House, that each of the three Southern States have been represented in Congress by a native of New England. Look around this hall, and you will see several Representatives from the Southern States who have been educated there; and the practice is continued of sending young men of the South to the North to be educated, though at this time they have excellent colleges and academies in their own States; and can it be believed that men under such circumstances would send their sons to be educated in a country to which they were so unfriendly as to be almost hostile? Again, it must be known that a great number of gentlemen from the South regularly spend their summers in New England; and would they go to spend their time and money among a people whom they disliked? If not impossible, it is improbable.

Mr. M. said he sincerely lamented that his colleague (Mr. GASTON) should have thought it necessary to have stated the unfortunate situation of their native State; he agreed with his colleague in lamenting that there was a slave in the nation; indeed he should be glad that there was not one of the African race in it; but what had the condition of these people to do with the cause of the war? If it be a reason for not opposing the abominable practice of impressment, will it not be a reason for not opposing any wrong that may be inflicted on the country? And he could not conceive a greater wrong than impressment. But, slave or no slave, he was determined to live and die with her. He would stick to her as well in adversity, if it ever overtook her, as he would in prosperity. No misfortune that could happen to her would induce him to leave her, and he religiously believed that no State in the Union was better governed.

Much has been said about free ships making free goods. The United States have long since given up this point, and cannot now contend for it. But it is surely known to every man the least acquainted with the proceedings of the old Congress, that during the Revolutionary war that House was anxious to have the laws of nations so settled and understood, that free ships should make free goods; and it is believed that the first Administration under the present constitution was not averse to the principle. The very first treaty made by the United States contains a clause declaring that free ships shall make free goods, contraband of war excepted.

To the best of my recollection this is the first session of Congress at which the war has been

called wicked and unjust; when it was declared, it was only inexpedient; all then seemed to admit that there was just cause for it, and nothing has taken place since which could change its character. The conduct of the enemy at Hampton, and indeed at almost every place where he has had the power, has been such as no civilized man could have expected; but his abominable conduct cannot render the war either wicked or unjust on our part. The most wicked part of the war seems to be the attack on Canada, and a desire as is supposed to attach it to the United States. All the gentlemen who oppose the bill are also opposed to having Canada, though a gentleman from New York (Mr. GOSVENER) has said that we shall have it some time or other. Is it possible that, when we were British colonies, all the British statesmen, with the great Lord Chatham at their head, were mistaken as to the value and importance of Canada to the then colonies? They considered it of the first consequence, and spared neither men nor money to take it. Again, is it possible that all the sages of the Revolution, with General WASHINGTON at their head, were mistaken in their wish to obtain it and attach it to the United States? I ought to have said to admit it into the Union, because the articles of the old Confederation has a clause, expressly declaring that Canada may be admitted into the union of the States. In the first treaty with France provision was made for it, and in the Constitution of the United States there is a clause, which I have always understood was intended to admit it into the Union; the clause does not apply to territories, because they come into the Union under an ordinance of the old Congress. If these gentlemen are now right in not wishing to have Canada, then all the British statesmen and American Revolutionary patriots were wrong in wanting it; and if it is now wicked to attack it, it was quite as wicked in the Revolutionary war. It was then attacked by men whose purity of heart was never questioned by their countrymen, and by men who lived in the days which tried their souls; and let it be remembered, that the war of the Revolution was defensive, especially by those who talked so much about defensive war; and let it also be remembered by those who have told us that the Canadians were not represented in Parliament, therefore had no hand in injuring us, that they were not then represented in Parliament, and had no hand in opposing the tax on tea; they form a part of the British Empire, and as a part have been attacked. The object of this war and that of the Revolution is the same, though we are not in the same situation with those who concerted that. The object of both is to prevent oppression and to maintain our rights. Will it be believed in this nation that the gallant Montgomery fell in a wicked, unjust attack on Quebec? He lives in the hearts of his countrymen, not for a wicked and unjust attack, but for the brave and faithful discharge of his duty in a most glorious and

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honorable war. The mentioning his name brings to my recollection the names of Mercer and Gates; could they have heard the doctrine of perpetual allegiance, which has been advocated on this floor, it would, no doubt, have made similar impressions on their minds to those which were made on the mind of the venerable gentleman from Pennsylvania, (Mr. FINDLAY.) The first being an Irishman, the second a Scotchman, and the third an Englishman. This doctrine of perpetual allegiance was not I imagine in their day advocated on the floor of Congress. If these men, and many others equally patriotic, were not traitors according to the doctrine we have heard advanced, it must be because rights exist in a civil war, which do not exist in any other; and exactly the reverse is understood to be both the law and the practice of nations. We all wish for peace that may last long; how is such a peace to be obtained? Not by begging, but by manfully maintaining our rights. The acquisition of Canada (pardon me for so saying) and Florida would add much to the probability of a peace being lasting; for while these remain in the possession of any European Government, that Government will most assuredly manage the Indians so as to force an Indian war on us whenever it pleases. The reason is in the nature of the Governments. In Europe there is always secret service money enough to bribe and corrupt whoever will be bribed or corrupted, and with this fund they will manage the Indians. Besides this, in the European Governments there is not the same responsibility in the Executive for the expenditure of public money as in ours; and I hope that ours will never be like theirs in that or in any other respect. It cannot be forgotten that when France owned Canada she so managed the Indians as to have a majority of them on her side whenever she and Great Britain were at war. The cause of her superior management was, that her King was absolute, and could do what he pleased; of course there was no responsibility to the nation for the expenditure of public money; and perhaps not much to him or any one else; certainly much less than there was in Great Britain at that time. And since our independence Great Britain has so managed them, notwithstanding our constant endeavors to civilize them and better their condition, as now to have a majority of them on her side. The cause is the same in her Government. There is less responsibility for public money than in ours; and, besides, she has secret service money, as much as the Minister wishes, and we have none. Our frontier settlements never can be safe, or even comfortable, while any European nation has the management of the Indians; and as long as any of them have Canada or Florida, I have endeavored to show that they will manage them. Let the United States have them, and the Western frontier would not require a cent for protection, and we should save all the expense of naval armaments on the Lakes. How much this might be

no man can tell; because no man can tell what force will be sufficient to give us or any other nation the command over them; and we ought to command them for this plain reason: whoever commands them will command the adjoining country.

Some of the gentlemen who oppose the bill, have said they would vote money to defend the soil; that is, they would vote money to defend themselves, but not to defend the poor and almost friendless sailor who carries the produce of the soil to foreign markets, and without whose labor the soil would not be more valuable to us than it is to the savages; and at the same session that they will not vote money to defend him, they vote him thanks and money for his bravery and good conduct in a war which they call wicked and unjust. But they would vote money to defend the soil. I should like to hear from them in what manner they would attempt to defend the Western and Southern frontiers on a plan purely defensive; they could not rely on a few forts and garrisons, because the Indians would steal into the settlements and scalp within sight of the forts. A defensive war to give effectual protection against Indian depredation and murder, would require more men and money than the most active war of invasion. If those who talk so much about defensive war would only take the trouble to inquire of the veteran patriot from Tennessee, who sits before me, (Mr. SEVIER,) who has probably been in more battles against the Indians and British than I am years old, he would, I expect, inform them, that experience had taught him that the frontier people could not be defended by forts and garrisons against savage invasion and massacre.

Much has been said about a national debt. No man dislikes one more than I do. It never was my opinion that a national debt was a national blessing. And I dislike taxes as much as I do a national debt; but I do not dislike them quite as much as I hate impressment; and before I would acknowledge the right of Great Britain to impress American citizens, I would bear as much of both as I could without complaining. I do not pretend to have more feeling on this subject than others have. Every man in the nation can form a correct opinion on the question, by supposing his own son impressed, and treated like others have been. It seems to me that to the parent there could be but little, if any, difference between impressment and death. This war has not been supported by me because a particular man is President, but because I thought we should lose, one by one, all our national rights unless we defend them, and because I thought the sailors had the same right to protection that other people had. I care but little who is President; all I ask of him is to administer the Executive part of the Government well and economically. No President will ever please all, and he that has faithfully done the best he could for the nation, and is fully satisfied thereof, and has a clear con-

science towards his God and neighbor, will probably be the best off, here and hereafter.

But that which seems to astonish those most who oppose the bill, is that the backwoodsmen, who never saw a ship before they came to this city, should undertake to defend sailors' rights. By the constitution it is as much their duty to defend them as it is the duty of any other part of the nation; but, leaving their constitutional duty out of the question, nothing is more natural, than that their situation should compel them to feel for the distress of their countrymen in any part of the Union; especially, too, when their distress is produced by the same power which distresses their countrymen. It may be the effect of sympathy, something like this: If you, sir, were travelling, and to call at a house where you were not acquainted with any person who lived in it, and to find the father or mother of the family, or one of the children, dead, you would immediately feel for the distress of the living, and sympathize with them. The case of the backwoodsmen is much stronger than this; because, when they hear of impressment, they immediately think of their relations and neighbors who had been murdered and scalped by the savage foe, the ally of the power who impresses their countrymen. These backwoodsmen want no defence for the part they have acted. The zeal and ability with which they have defended their national rights, both in this House and the field, want no defence. If a single wagoner, tobacco-roller, or hog-driver, from the middle country, should be scalped on his way to market, that whole country would immediately have feelings similar to those of the Western people and the people of Georgia, and, like them, convince the world that freemen roused are invincible. During the Revolutionary war it was not whispered that the then backwoodsmen had never seen a ship or salt water, or that they did not understand the tax on tea, or the Boston port act; and they certainly understand the cause of this war as well as they did the cause of that; and then their assistance was gladly seized, and their valiant deeds of that day have not been surpassed by those of late. That war, we have been told, was for property. They might then take part without a complaint; but as this is now for poor sailors' rights, they ought not to meddle with it! Many of the men who fought during the Revolution, I imagine, never saw nor tasted tea when the war commenced. I well remember that, in the part of the nation where I live, it was used in but few families, and in some of the few only on Sundays, or on some great occasion; and in that part of the country the people were not plagued with Tories.

The management of the war has been brought before us: I feel no hesitation in stating it as my opinion, that the military operations in the neighborhood of Lake Ontario have not been well managed, but on the lake, Commodore

Chauncey did as much as could have been expected from any man; and it is due to his antagonist, though an enemy, to say that he was qualified to command against Chauncey. But in a country like ours, where we keep in time of peace but a small standing army, great success against trained troops ought not to be expected at the first breaking out of the war; and whenever peace shall be established, I hope to see the army reduced to the old peace establishment. When we speak of the attempt to invade Canada, we ought to recollect the Indian war carried on under the Administration of General Washington, who certainly knew the merits of every Revolutionary officer better than any man in the nation, and who was a complete judge of military men and affairs; yet the first two commanders which he selected were both defeated; and when the third defeated the Indians, they took shelter under a British fort and garrison, which fort had been recently built within the limits of the United States, and thus saved themselves from the pursuit of the victorious troops.

My colleague said that he would not give his claim on Bonaparte, and he did not appear to value that very high, for his part of the unsettled land of Canada, if it should be taken. I do not know any rule by which the value of either could be ascertained, therefore cannot say which would be most valuable, or whether it would be a good or bad bargain to give one for the other. I will, however, say that I would not give the little claim which my descendants may have to our Western country for all the claims on Bonaparte. Although the Western land may not produce the revenue which many have expected, it is certainly of great advantage to the nation in this respect, if in no other, that it enables every man who wishes it, by moving, to become a landholder on moderate terms, and to better his condition. I appeal to all who have gone to that country for the truth of the statement. In this Congress there is an extraordinary collection of young men of talents. The Western country, like every other part of the nation, has her share of them. Who can look at them and not be proud that he is an American? Young in years, but old in experience; an honor to their parents, an ornament to their country. A friend of mine was here last winter, who had been in the habit of attending to the proceedings of Congress, expressed his surprise at seeing them, and said that he had thought from reading their speeches they were much older than he found them to be. It is, I think, in some measure, owing to our happy form of Government, that we have such men. It is calculated to stimulate and to make great characters, particularly great orators. The various meetings of the people, the State Legislatures, and this House, and I might add the courts of justice, and all places which have a tendency to promote public speaking; indeed, the fathers of the country, it seems to me, if they had nothing else in view, could not have formed a more perfect plan to encourage

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[H. OF R.]

the rising generation to be great and to be virtuous; in this view I consider the Western country a very great benefit, because it gives more room for young men to try their talents; some that may not succeed from an accidental cause in one place, may in another. Notwithstanding this and all the other advantages of the constitution, we have heard disunion talked of in this House, the foundation of which was laid to perpetuate the Union, by the greatest man of the age. To dissolve the Union and destroy the constitution, would be to throw from us as great a blessing as kind Providence has bestowed on any people in modern times; it would be to acknowledge that we could not be governed by reason, and that party feuds had got the better of our best judgment and destroyed our greatest happiness.

Before I sit down, I will endeavor, in a few words, to compare our situation with that of Russia when invaded by France. Unable at first to resist, or to drive the invader out of her territory, she burnt towns and cities to prevent the invader from finding shelter against the weather, and to let him know her determination not to be conquered. Was her cause more just and righteous than ours? It was not. France, with all her ambition and desire for conquest, had not impressed a single Russian to fight her battles; and shall Russia burn towns and cities to keep the crown on the head of her Emperor, and free America refuse to protect her citizen-sailors from British impressment? She who would not suffer them to be made slaves by Algiers, Tunis, or Tripoli, can never permit them to be impressed, and forced into bondage worse than Egyptian, by Great Britain. We must protect them or acknowledge that they are no party to the Constitution of the United States, which was adopted to establish justice, (and is justice established by impressment?) to secure domestic happiness, (and is domestic happiness secured by impressment?) to provide for the common defence, (and is the common defence provided for by impressment?) to promote the general welfare, (and is the general welfare promoted by impressment?) and to secure the blessings of liberty to ourselves and our posterity, (and does impressment secure the blessings of liberty to ourselves and our posterity?) Let the impressed and the oppressed answer.

The main question was then taken, to wit: "Shall the bill pass?" and passed in the affirmative—yeas 97, nays 55, as follows:

YEAS.—Messrs. Alexander, Alston, Archer, Avery, Bard, Barnett, Beall, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Clark, Comstock, Conard, Crawford, Creighton, Crouch, Cuthbert, Davis of Pennsylvania, Denoyelles, Desha, Duval, Earle, Eppes, Evans, Farrow, Findlay, Fiak of Vermont, Fiak of New York, Forney, Forsyth, Franklin, Goodwyn, Gourdin, Griffin, Grundy, Harris, Hasbrouck, Hawes, Hungerford, Ingersoll, Ingham, Irving, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Ker-

shaw, Kilbourn, King of North Carolina, Lafferte, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Robertson, Sage, Seybert, Skinner, Smith of Pennsylvania, Smith of Virginia, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Williams, Wilson of Pennsylvania, Wood, Wright, and Yancey.

NAYS.—Messrs. Baylies of Massachusetts, Bayly of Virginia, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Gaston, Geddes, Goldsborough, Grosvenor, Hale, Hopkins of New York, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Markell, Miller, Moffit, Mosely, Oakley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Ruggles, Sheffield, Sherwood, Shipard, Smith of New York, Stanford, Sturges, Taggart, Tallmadge, Vose, Ward of Massachusetts, Wheaton, White, Wilcox, Wilson of Massachusetts, and Winter.

Ordered, That the title be "An act to authorize a loan for a sum not exceeding twenty-five millions of dollars."

MONDAY, March 7.

Another member, to wit, from Kentucky, RICHARD M. JOHNSON, appeared, was qualified, and took his seat.

Land Titles in Louisiana and Missouri.

The House resumed the consideration of the amendments reported by the Committee of the whole House to the bill for the final adjustment of land titles in the State of Louisiana and Territory of Missouri; and the same amendments being again read, they were amended, on motion of Mr. HEMPSTEAD, by striking out the words "two thousand acres," and inserting, after the word "than," the words "the quantity of acres contained in one league square."

In proposing this amendment, Mr. HEMPSTEAD addressed the Chair as follows:

Mr. Speaker, I ask the indulgence of the House for a few moments on the motion just made. It is seldom, sir, that I intrude any remarks on any subject; never, except on what immediately relates to the affairs of the Territory I represent. The bill now under consideration, was reported in pursuance of resolutions submitted by me: and it may therefore be necessary, at this time, to take a general view of the situation of land titles in that Territory. The detail may be uninteresting to the House, but, as it is of the first importance to my constituents, I trust I shall be pardoned for detaining you. I have given the subject a careful examination, and shall now proceed to state the manner in which it presents itself to my mind. First, whether the cession of a country, by one power to another, ought so to operate as to annul or destroy the title of an individual to his lands, whether that title be absolute or imperfect. Second, whether the laws of the United States, in relation to land claims, have oper-

ated to annul or confirm the titles in Missouri Territory; and thirdly, whether the present bill will do full and complete justice to the claimants.

Mr. Speaker, on the first point, permit me to observe, that even in a conquered country, individual property is usually held sacred. The conquest would not operate to annul or destroy the title of an individual. The conqueror acquires only the same right as belonged to the former sovereign, with all its limitations and modifications. He lays his hands on the possessions of the State, on what belongs to the public, while private persons are permitted to retain theirs. They suffer but indirectly, even by war; and to them the result is, that they only change masters. This, sir, is the doctrine of eminent writers on national law, and will apply with more reason and greater force to a ceded country.

Let us now examine the treaty by which Louisiana was ceded to the United States. By the first article of that treaty it is declared that France "has an incontestable right to the domain." And, in the second article, among other public property, the "vacant lands," not the lands of individuals, are ceded. The third article guarantees to the inhabitants "the free enjoyment of their liberty, property, and the religion which they profess." Here it is seen, that the national faith is pledged to the performance of certain conditions. The words are positive, the promise unequivocal. No room is left for interpretation; and, if there were, any interpretation whatever, tending to change the nature of things, (to the prejudice of individuals,) is odious. Penalties are of this description; and it is less contrary to equity not to give to a proprietor what he has lost by his negligence, than to strip the just possessor of what lawfully belonged to him. What, therefore, the Spanish Government would have done in this respect, had no change taken place, the United States ought now to do. What they promised to do, we ought to see done. The change, otherwise, would be for the worse, and the stipulations in the treaty would be unavailing.

I ask then, Mr. Speaker, whether the Spanish Government would have sanctioned the grants made by its officers? If so, they ought now to be sanctioned. Indeed, sir, without the solemn stipulations of a treaty to enforce it, policy alone would dictate such a course. Liberality will secure the affections of those you have made a part of your family; it will root old attachments; while a more rigid plan will occasion distrust and dissatisfaction, and the change will be regretted as injurious. No national benefit can result from this rigor; a few acres of land to the United States are nothing—but taken away from an individual, may cause distress and ruin. Many of them are strangers to your language, and unacquainted with your laws; their affections ought not to be estranged, when extending justice to them will secure their confidence. Congress has been liberal to

the inhabitants of a conquered country, (I refer to the grants of land made to the heads of families in Illinois in 1783,) and no good reason can be given why the same liberality should not be manifested to the inhabitants of a country peaceably acquired.

On the first point, then, I think it is not to be controverted, that the cession of a country by one power to another, ought not so to operate as to annul or destroy the title of an individual to his lands, whether that title be absolute or imperfect.

Sir, before I proceed to examine whether the laws of the United States in relation to land claims have operated to destroy or to confirm titles in the Missouri Territory, permit me to recur for a moment to the situation of Upper Louisiana while Spain possessed it. In the year 1780, with a feeble, thin, and scattered population, the country at all times exposed to the inroads and insults of the savages, was threatened with an attack from their more civilized neighbors. To strengthen this remote frontier, emigration was invited. Lands were of no value to the Crown, and liberal donations were offered. They had the greatest abundance to bestow; they sometimes bestowed abundantly. Other inducements were held out. No taxes were imposed. These inducements did increase the population, and many, who had suffered from conflicting titles in the Western States, emigrated. After being impoverished, by contesting their claims with individuals, they have now the sad prospect of a more unequal contest with their Government, for what they consider their own property.

Mr. Speaker, it may be here necessary to advert to a few facts, respecting the cession of that country. Spain ceded it to France on the first day of October, 1800. France, without taking possession of it, and leaving the Spanish Government in the full exercise of the sovereignty, cedes it on the 30th of April, 1803, to the United States. This treaty was ratified on the 21st day of October, 1803, and the United States took possession of New Orleans the 20th of December, in the same year, and of Upper Louisiana, the 10th day of March, 1804. The Spanish officers continued to discharge their official duties until the times last mentioned. Then, sir, the operation of Spanish laws on the grants before made, was arrested by the transfer of the country, and the taking possession of it by the United States. Then the people were congratulated in proclamations on being united to a free people, and in being secure in their property. Then the change was predicted as advantageous; and then what the Spanish Government had promised, the United States were to perform. Such, no doubt, was the intention, such the earnest wish of the Government. Sir, let us see what measures were taken to effect this desirable object. It was important for the welfare and prosperity of the people, for the honor and engagements of the nation, to begin on just and equitable principles; be-

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cause, if the first act was erroneous, the difficulties would be increased. With nations, as with individuals, the first step being wrong, it is afterwards hard to get right. The first law declares, "that all grants for lands, or any act or proceeding towards the same, after the 1st day of October, 1800, to be, and to have been from the beginning, null and void, and of no effect in law or equity." This law, in my humble opinion, was a violation of every principle, either of law or equity. It declared that which had been legally commenced under another Government, to be null and void. It made void the lawful proceedings of a power in the just exercise of the sovereignty. Instances have often occurred, where what had been lawfully begun, but not completed, has been sanctioned and acknowledged, especially when it depended on the performance of conditions which subsequent events had made it impossible to perform; but never could a lawful act be made unlawful. A right once vested could not, without any fault of the claimant, be either at law or in equity divested. Such a principle changed the nature of things, and was therefore odious.

The second law pursued the same error; it imposed new restrictions, and it required new conditions. Sir, the most meritorious claimants were the most rigidly dealt with. One of the conditions requisite to obtain a grant, was cultivation of lands in the cold winter month of December. The laws might, with as much reason, have required that no confirmation should be made to a Frenchman, unless, on the 1st day of October, 1800, he could have spoken the English language, as to have affixed American conditions to Spanish grants.

In the same law, another new, and, in my humble opinion, illegal principle was introduced, that the date of a grant should not be conclusive. Mr. Speaker, the acts of foreign Governments prove themselves. Even the decisions of foreign courts are conclusive in all parts of the world. It is always presumed the public officers act with integrity, and do their duty, unless the contrary appears. The date of an official act of the President might as well be questioned. Besides, in what manner is it to be established? The Spanish officers have left the country; and if you do not give faith to their official acts, will you believe their unofficial declarations? Will you call a witness to prove the signature of the officer? Sir, it cannot be pretended.

Your laws were rigid; they required impossibilities. But rigid laws were enforced by still more rigid instructions. On the 28th of March, 1806, the persons appointed to investigate these claims are instructed that "a strict adherence on their part to the letter of the law, leaving to Congress such further and more liberal provisions as they may think proper, is the best means of preventing the dissatisfaction which disappointed expectations would otherwise necessarily produce." Again, on the 7th day of May,

1806, the instruction is repeated, "that they must adhere to the letter of the law, and not confirm any claim not strictly embraced by its provisions." Mr. Speaker, it was an almost impossible task to retrace former misshapen steps, so as to remedy the inconveniences which had resulted; and a fifth act, with more liberal provisions in favor of the claimants, was passed. The commissioners were authorized to confirm "not exceeding one league square." With general laws, applied to particular cases, with rigid instructions to govern them, justice could not be done. The same law, and the same facts, ought to have produced the same decision in every part of Louisiana; justice to one could not be injustice to another in the same situation. Yet your laws have been so amended and altered by ten or eleven several statutes, that the difficulties, instead of being diminished, are increased, the confidence of the people is weakened, and the "further and more liberal provisions" before hinted at are most imperiously called for.

The fact cannot be denied, that the people of the Territory from which I come are in a worse situation in this respect than others. The gentleman on my right (Mr. ROBERTSON) has been a land commissioner in Louisiana, and I can safely appeal to him for the correctness of this statement. The simple fact, that there are a greater number of land claims in the late Territory of Orleans than in Missouri—and there only six hundred and eight claims have been rejected in the first, and two thousand one hundred in the last—will, I presume, satisfy the House that full and impartial justice has not been done. A distinct and separate examination of these claims, by Congress, would occupy a whole session, and that would ultimately be done which is now proposed. If other proof is wanting to establish the point, that the laws of the United States have not operated to confirm the titles, it is found in the resolutions of the General Assembly of that Territory, now before me.

It now only remains for me, Mr. Speaker, to consider very briefly whether the present bill will do full and complete justice to the claimants. During the ten years of scrutiny and investigation, few have made improvements. Many families, despairing of obtaining their equitable claims, and tired of the uncertainty attending their titles, have abandoned a country which cannot prosper without the fostering aid of the Government. And if the delay of justice has not, in all cases, been equal in its consequences to an absolute denial of it, still it has caused much distress and injury. The present bill will quiet the apprehensions of most of the claimants; and, although it will neither satisfy nor do justice to all, yet it will restore that confidence which has been much impaired, and will do what the national faith is pledged to do. These, sir, are a few of the reasons which induce me to hope the motion may prevail.

The said amendments were then concurred

in by the House, and the bill being further amended, it was ordered to be engrossed, and read the third time to-morrow.

TUESDAY, March 15.

Claim of Beaumarchais.

Mr. LOWNDES, from the committee to whom was referred the petition of J. A. Chevallie, agent for Amelie Eugenie Beaumarchais, made a report, which was read, and committed to a Committee of the Whole. The report is as follows:

That the circumstances under which shipments of goods and advances of money to the United States were made by Mr. de Beaumarchais, during our Revolution, were such as necessarily produced much difficulty in the settlement of his accounts. There was no contract by which the obligations and rights of the two parties were defined; and it appears, from many letters of Dr. Franklin and of Arthur Lee, that both those gentlemen considered Mr. de Beaumarchais as supplied with funds by the French Government, to encourage the resistance of America, and to give to this political transaction the appearance of a mercantile speculation. Mr. Lee represents Mr. de Beaumarchais when first introduced to him, as declaring that he was authorized by the French Government to offer 200,000 louis for the use of the revolted colonies. In a letter, signed by B. Franklin, Arthur Lee, and Silas Deane, they express the wish that Mr. de Beaumarchais's accounts might be left to them for settlement, "as there was a mixture of public and private concerns, which Congress could not so well develop." Letters from Mr. Girard, a former Minister from France to the United States, written in support of the claim of Mr. de Beaumarchais, states, "that only military stores were advanced to him by the French Government for the United States, which he was to return to the royal arsenals;" and Mr. de Vergennes says that, "for the payment of the military stores the Government" of this country "should not be pressed." In these letters, indeed, as in those of Mr. Turreau since, all connection on the part of the French Government with Mr. de Beaumarchais's speculations is denied, and the transaction represented as a mere commercial adventure. Yet it could not have been meant that the Government of France did not furnish a part of the cargoes; for this is proved by the statement of Dr. Franklin, of Mr. Girard, and of Mr. de Vergennes himself. It could not have been meant, that the Government of France had not some power over the debt, which the delivery of these stores produced; for Mr. de Vergennes himself promises that for this our Government should not be pressed. It could have been intended only to say that the French Government was to have no profit from the transaction; and this may readily be admitted.

The committee have adverted to this apparent "mixture of public and private concerns," in the subjects of Mr. de Beaumarchais's accounts, for the purpose of explaining that delay in their liquidation, which could not otherwise be reconciled to the habitual fidelity of this Government to all its engagements. The principles on which those accounts were finally settled at the Comptroller's office, in 1805, are fully explained and supported by the report of the Committee of Claims of the 10th of March, 1806, which the committee to which the same business is now re-

ferred, beg to be allowed to adopt as a part of this report. The balance which, under that settlement, appeared due to the estate of Mr. de Beaumarchais was paid to the memorialist in 1806. This committee have not minutely examined the charges brought by Mr. de Beaumarchais against the United States, because they have been settled at the Treasury, on principles which the memorialist does not indeed represent himself as approving, but to which he seems disposed to acquiesce. The only question relating to the account, which it appears necessary to bring distinctly to the view of the House, refers to a million of livres, which, at the Treasury, have been considered as paid in 1776, by the French Government, to Mr. de Beaumarchais, for the service of the United States, and for which credit has been accordingly taken. This question is so fully explained, and, in the opinion of the committee so justly decided, in the letter of the former Secretary of the Treasury, (Mr. Gallatin,) included in the report before referred to, that they will add a very few observations to the perspicuous statement which it contains. If the opinion expressed in that letter be correct, the just claim of the heiress of Caron de Beaumarchais has been fully satisfied.

With respect to the claim of the United States to this credit of a million, (which is denied by the memorialist,) the committee submit to the House that it must be supposed either—

1. That this million was paid to Mr. de Beaumarchais, for the use of the United States, to which he was bound to account for its expenditure; or,

2. That this million was not paid to Mr. de Beaumarchais, for the use of the United States; or,

3. That, if it were paid for the use of the United States, it was expended on "objects of secret political service," connected with the interests of the United States, but different from the supplies which are charged in Mr. de Beaumarchais's accounts; that it was satisfactorily accounted for to the French Government; and that it was to that Government only that he was bound to account.

1. On the first supposition there can exist no claim, on the part of the estate of Mr. de Beaumarchais, against the United States, and it is therefore only necessary to examine the others. It may be supposed—

2. That this million was not paid to Mr. de Beaumarchais for the use of the United States. This supposition is contradicted by the evidence of facts, and by the declaration of the French Government in 1794, as is shown in the letter of Mr. Gallatin, before referred to. But, if it be admitted, the obligation of the United States to pay this million now will not be implied. It will be recollected that by the contract of February 25, 1783, three millions of livres advanced by France before the treaty of 1778, as well as six millions afterwards granted, were declared to be a gratuitous assistance. If there were not a million paid to Mr. de Beaumarchais for the use of the United States, the million advanced in 1777 by the farmers general, (which was entered in our foreign account under the title of "subsides,") must be considered as having been a gratuitous aid, and should have been deducted from the amount which France claimed to be due by America. In a letter from the Comptroller of the Treasury to Mr. Bournonville, dated February 8, 1794, he refuses to admit to the credit of France the balance due to the farmers general, until it should be shown that the million received from them formed no part of the gratuitous aid

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specified in the contract of 1788. The French Government, by the receipt of Mr. de Beaumarchais, and by the opinion which it expressed, satisfied the Comptroller that the deduction of the million was to be made from Mr. de Beaumarchais's account, and not from its own. If the French Government were mistaken in this opinion, it follows that we overpaid it in 1794, by an amount equal to that which by its mistake was withheld from Mr. de Beaumarchais. But, the evidence which should ascertain the real credit or could only have been obtained from France. The acknowledged debtors as we at that time were of the French Government, as well as of Mr. de Beaumarchais, we had no interest in making this deduction rather from the one debit than the other; and if France, in deciding a question in which her Government and one of her subjects were alone interested, and of the evidence of which her Government was the only depository, has erroneously decided, it is not against the Government of the United States that complaints can properly be directed. It may be supposed—

3. That, if the million in question were paid to Mr. de Beaumarchais, for the use of the United States, it was expended on objects of a political nature, connected, indeed, with the interests of the American Government, but different from the supplies which are charged in Mr. de Beaumarchais's accounts; that it was satisfactorily accounted for to the French Government; and that to it only was he bound to account. It appears to the committee, that these suppositions cannot be admitted. The French Government advanced money to Mr. de Beaumarchais, to be employed for our service. Mr. de Beaumarchais purchased articles most essential to our service, and sent them to this country; shall we presume that this advance has been invested in these articles, or been used in some other way for our benefit, of which no evidence appears? A receipt is indeed produced, showing that the French Minister was satisfied with the application of a million "to an object of secret political service;" but this by no means contradicts the opinion, that it may have been employed for the purchase of the articles which Mr. de Beaumarchais sent to America, and that therefore it ought to be deducted from his account.

But, besides other difficulties, are we to presume that Dr. Franklin, who negotiated this contract of 1788, would not have been informed that the gratuitous aid which he was called upon formally to acknowledge, was made so mysteriously, that neither he nor his Government was to know the objects to which it was applied, nor the services which it accomplished?

The objection, however, to a reversal of the judgment of the Comptroller of the Treasury, appears to the committee not to result alone from an examination of the case which he has decided. The Government of the United States, in constituting a department by which all claims upon it are to be impartially examined, and in consigning the direction of this department to men of judgment and integrity, has adopted the only method of securing justice to creditors which the institutions of any society can provide. Mr. de Beaumarchais was himself anxious that the question in which he was interested should be decided by arbitration. Mr. Chevallie (the attorney of his heirs) would wish that it should be referred to judicial decision. But neither arbitrators nor judges could be more impartial than

the officers of the Government, who have no interest to induce a wrong decision, and whose reputation, in some degree, must depend on their making a right one. If the rules of a court of law be different, they cannot be supposed to be more liberal, or, in general, more satisfactory to a foreign claimant, than those adopted by the Treasury, in the settlement of their accounts. But, if the officers of the Treasury have erred in their decision, shall not Congress correct the error? The committee believe that in this case they have not erred; and the voluminous documents which the reference of this question has obliged them to examine were not necessary to convince them that want of time must, of itself, disqualify the Legislature for the task of rejudging the sentences of its officers of finance.

The committee submit the following resolution:

Resolved, That the memorialist have leave to withdraw his memorial.

OFFICE OF THE ATTORNEY-GENERAL.

WASHINGTON, *February 28, 1812.*

SIR: I have considered the subject of the letter which you did me the honor to address to me on the 9th of last month, in the case of the representatives of Monsieur de Beaumarchais, and am of opinion that the documents do not, in point of law, maintain the discount of a million of livres to which your letter alludes.

The demand of Monsieur de Beaumarchais appears to be admitted; upon what principle, whether of strict law, or of liberal equity, whether upon a reasonable probability, or upon regular proof, I do not know, and have not been called upon to inquire.

If the demand has been admitted without rigorous proof, it is for Congress to determine how far it may be proper to measure a discount, claimed by the Government, by a standard purely legal. But viewing the question referred to me, as I have been desired to view it, as a mere matter of law, I am compelled to say, that the title to the deduction insisted upon must be shown by the United States, and that the evidence would not be sufficient to establish it in a court of justice.

If the reasons of this opinion should be thought necessary, I shall take great pleasure in stating them to the committee.

I have the honor to be, with great consideration,
yours, &c. WM. PINKNEY.

HON. CHAIRMAN of Committee of Claims.

FRIDAY, March 18.

Paul Cuffee.

The House resolved itself into a Committee of the Whole on the bill from the Senate for authorizing the President of the United States to permit the departure of Paul Cuffee with a cargo to Sierra Leone; together with a report of the Committee of Commerce and Manufactures against the same.

This bill underwent a discussion of a very diffuse nature, and of no little length, in the course of which the object of the bill was supported by MESSRS. WHEATON, GROSVENOR, PICKERING, TAGGART, BAYLIES, WEBSTER, FARROW, DUVAL, and SHIPARD, and opposed by MESSRS. NEWTON, WRIGHT, MCKIM, KERR, INGHAM, FISK, of Vermont, and INGERSOLL.

The bill was supported on the ground of the excellence of the general character of Mr. Cuffee; the philanthropy of his views; the benefits to humanity and religion generally of which a success in these views might be productive; the benefits which would result to the United States, particularly from the establishment of an institution which would invite the emigration of free blacks, a part of our population which we could well spare, &c.

On the other hand, the bill was opposed on various grounds. While the excellence of the general character of Mr. Cuffee was fully credited and generally admitted, it was said that the bill would violate, in favor of a foreign mission, that policy which we had refused to infringe for the sake even of our coasters and fishermen; that Mr. Cuffee might depart in neutral vessels with his companions, but that it would be improper to permit him to carry out a cargo, which was not at all necessary to his views of propagating the Gospel; that his voyage would be contrary to the policy of existing laws, independent of the embargo policy, because Sierra Leone was a British settlement; that as this was a British settlement, in the possession of a nation claiming and asserted to be the bulwark of our religion, there was no occasion for cargoes departing from the United States to enable her to carry her views into effect, &c.

Intermingled in this debate was considerable controversy and something like asperity as to the character of the British nation for religion and humanity, in which Mr. PICKERING, of Massachusetts, on the one side, and Mr. KERR, of Virginia, and Mr. FISK, of Vermont, on the other, were the principal debaters, and also on the evil which might result from transporting liberated slaves from this country to a British settlement. The question, however, appeared to the reporter to turn on the expediency of permitting, under the existence of the restrictive system, a cargo to go out which must necessarily sail under British license; which it was argued would not be granted unless it was considered advantageous to the interest of the enemy that such trade should be carried on.

The debate having been extended to the usual hour of adjournment, the committee reported the bill to the House with certain amendments, and on the question on the passage of the bill to a third reading, which was decided by yeas and nays, the vote was for the bill 65, against it 72.

SATURDAY, March 26.

Yazoo Claims.

The bill from the Senate "for the indemnification of certain claimants of public lands in the Mississippi Territory," was read the third time as amended, and the question was stated: "Shall the bill pass?" Whereupon,

The bill being put on its passage—

Mr. SHARPE, of Kentucky, in an animated

speech of more than half an hour, opposed its passage. He took a rapid but comprehensive view of the subject, and opposed the bill on grounds both of inexpediency and injustice.

Mr. BARNETT, of Georgia, followed on the same side of the question. Having been an eye-witness of the original fraud, and having a personal knowledge of all its enormity, he spoke in a feeling manner of that transaction and of its consequences, &c.

Mr. RICHARDSON, of Massachusetts, spoke a short time in support of the bill, and in reply to gentlemen who opposed it.

Mr. FORSYTH, of Georgia, replied to Mr. RICHARDSON, and entered again into an investigation of the bill, which he opposed with his usual force, not from the just abhorrence he felt at the original corruption of the purchase, because that question was laid at rest, but from a conviction of the inexpediency, impolicy, and inadequacy of the bill to the objects contemplated.

Mr. ROBERTSON, of Louisiana, followed in an energetic and able defence of the bill; in the course of which he replied to the gentlemen opposed to him, took a succinct and lucid view of the subject, and enforced and illustrated the various reasons that influenced him in his support of the bill.

Mr. McKIM, of Maryland, stated concisely the reasons which would induce him to vote against the bill; and declared that his opposition arose not so much from his hostility to a compromise as from a want of confidence in the bill, which he deemed insufficient to effect its object, &c.

The question was then taken on the passage of the bill, and decided in the affirmative—yeas 84, nays 76, as follows:

YEAS.—Messrs. Avery, Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Butler, Champion, Cilley, Clark, Comstock, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Ely, Findlay, Fisk of Vermont, Fisk of New York, Gaston, Geddes, Gourdin, Grosvenor, Hanson, Hasbrouck, Howell, Hufty, Irving, Jackson of Rhode Island, Kent of New York, Kershaw, Kilbourn, King of Massachusetts, Law, Lewis, Lovett, Lowndes, Markell, Miller, Moffit, Montgomery, Mosely, Oakley, Parker, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Rich, Richardson, Ridgely, Robertson, Ruggles, Sherwood, Shipard, Skinner, Smith of New Hampshire, Smith of New York, Sturges, Taggart, Tallmadge, Taylor, Thompson, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, Wood, Wright, and Yancey.

NAYS.—Messrs. Alexander, Alston, Anderson, Archer, Bard, Barnett, Beall, Bowen, Brown, Burwell, Caldwell, Calhoun, Condict, Couard, Crawford, Creighton, Crouch, Cuthbert, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Farrow, Forsyth, Franklin, Gholson, Goodwyn, Griffin, Grundy, Hall, Harris, Hawes, Humphreys, Hungerford, Ingersoll, Ingham, Irwin, Johnson of Virginia, Johnson of Kentucky, Kennedy, Kent of Maryland, Kerr, King of North Carolina, Leferts, Lyle, Macon, McCoy, McKim, McLean, Moore, Murfree, Nelson,

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Relations with France.

[H. of R.]

Newton, Ormsby, Pickens, Piper, Pleasants, Rea of Pennsylvania, Ringgold, Roane, Sage, Seybert, Sharpe, Smith of Pennsylvania, Smith of Virginia, Stanford, Strong, Tannehill, Telfair, Troup, Udree, Whitehill, and Wilson of Pennsylvania.

And the House adjourned.

TUESDAY, March 29.

Another member, to wit, JOSEPH H. HAWKINS, from Kentucky, appeared, was qualified, and took his seat, in the place of Henry Clay, resigned.

FRIDAY, April 8.

Controversies between States.

The order of the day on the bill to prescribe the mode of prosecuting and deciding controversies between two or more States, being called up by Mr. DESHA, of Kentucky,

Mr. GHOLSON, of Virginia, moved that the order of the day be postponed indefinitely.

Mr. MONTGOMERY, of Kentucky, opposed the postponement, and read the memorial of the Legislature of Kentucky, requesting that such a law may be passed.

A warm debate took place thereon, which occupied the House till 4 o'clock; in the course of which the motion for postponement was supported by Mr. GHOLSON, Mr. HUMPHREYS, Mr. GRUNDY, Mr. RHEA, of Tennessee, Mr. ALSTON, of North Carolina, and Mr. WRIGHT, of Md.—and warmly opposed by Mr. HAWKINS, Mr. MONTGOMERY, Mr. DESHA, and Mr. SHARPE, of Kentucky, and by Mr. JACKSON, of Virginia, and Mr. FABROW, of South Carolina.

It appeared, in the course of this debate, that the necessity which had produced the memorial of Kentucky, and, in consequence thereof, the introduction of the bill before the House, arose from the existence of a controversy between the States of Kentucky and Tennessee, in relation to the boundary line, which dispute had commenced between the mother States of Virginia and North Carolina before the birth of the two first-named States, and which it appears the two States cannot accommodate; but, on the contrary, a settlement of which becomes every day less practicable, from the lapse of time, irritation by repeated collision, and the increased value of the land which is in dispute, having been granted to different individuals at the same time by both States.

The discussion was not confined to the abstract expediency of legislating on the subject of the bill, but more or less connected itself with the merit of the conflicting claims of Tennessee and Kentucky to the land, the titles to which are jeopardized and unsettled in consequence of this dispute. An opinion was expressed by the members of Tennessee that the question may be amicably settled, without the intervention of such a law.

On the question there were for indefinite postponement 56, against it 27.

A quorum not being present, of course the

question could not be decided on. And the House adjourned.

TUESDAY, April 12.

Excise on Liquors.

The bill to change the tax on domestic distilled liquors from the capacity of the still to the quantity distilled, having been called up, a motion was made by Mr. ALSTON, of North Carolina, in pursuance of a decision of the Committee of Ways and Means subsequent to the bill's being reported, to postpone the further consideration of this order of the day indefinitely; which motion was supported by the mover, Mr. GRUNDY, and Mr. HUMPHREYS, of Tennessee, Mr. CREIGHTON, of Ohio, and Mr. TAYLOR, of New York, principally on the ground of the lateness of the session, and the propriety of ascertaining more accurately the operation of the present system before it should be changed; and was opposed by Mr. McKIM, of Maryland.

The question on indefinite postponement was decided in the affirmative by the following vote by yeas and nays. For the postponement 61, against it 59.

WEDNESDAY, April 13.

Relations with France.

Mr. GASTON, of North Carolina, rose to offer a motion, which he prefaced by a word or two of explanation. The period of adjournment, he said, was approaching, and an interval of six months would elapse before Congress would again convene. Mr. G. said he thought it very important, if the Executive was in possession of any information respecting our relations with France, not already in possession of the public, that it should be laid before the House. He was desirous of such information for another reason. The House was called upon to legislate in relation to France, on a bill which has been reported in this House, but not yet acted on, to open our ports to the cruisers of France. The House had been informed, too, by the President in his late Message, that the most astonishing changes had taken place on the Continent of Europe. It was important to know how far these changes affected our relations with France, and the policy of that measure he had alluded to. These were his reasons, and his only reasons, for offering the following resolution:

Resolved, That the President of the United States be requested to communicate to this House any information in his possession touching our relations with France, which in his judgment it is not improper to disclose.

This motion having been assented to by Mr. CALHOUN, of South Carolina, and modified, on the suggestion of Mr. GRUNDY, of Tennessee, by the insertion of the words "not heretofore communicated," was agreed to without a division.

SATURDAY, April 16.

Relations with France.

The following Message was received from the
PRESIDENT OF THE UNITED STATES :

To the House of Representatives of the United States :

I transmit to the House of Representatives a report
of the Secretary of State, complying with their reso-
lution of the 18th instant. JAMES MADISON.

APRIL 16, 1814.

The Secretary of State, to whom was referred the
resolution of the House of Representatives of the 18th
instant, requesting information touching our relations
with France, has the honor to submit to the President
an extract of a letter from the Minister Plenipoten-
tiary of the United States at Paris, which contains the
latest, and the only material, information received by
this Department on that subject.

All which is respectfully submitted.

JAMES MONROE.

DEPARTMENT OF STATE, April 16, 1814.

*Extract of a letter from Mr. Crawford to the Secretary
of State.*

"PARIS, January 16, 1814.

"On the 29th ultimo, I had an interview with the
Minister of Exterior Relations, who informed me that
he had made to the Emperor a detailed report of the
negotiation, and that he would inform me of his Ma-
jesty's decision, the moment it should be made known
to him. His conversation during this interview was
as conciliatory as it could be, and his expressions,
though still general, admitted that indemnity was de-
termined upon. The address of the Senator Count
Segur to the inhabitants of the eighteenth military
division of the Empire, published in the *Moniteur* of
the 15th instant, stated that His Majesty was going to
place himself at the head of his troops. Knowing
that I should not be able to advance a single step in
the negotiation during his absence, unless he should,
before his departure from Paris, decide upon the classes
of cases for which indemnity should be made, I deter-
mined to address a note to the Duke of Vicenza, with
a view to impress more strongly upon his mind the
necessity of an immediate decision.

"The day on which I intended to present this note
I was informed that the Duke of Vicenza had set out
from Paris, at 4 o'clock, A. M., for the headquarters of
the two Emperors, which was then said to be in Swit-
zerland. The general impression in Paris that day
was that the Emperor would set out immediately for
Metz, where his army of reserve has been forming
ever since he crossed the Rhine. This circumstance
induced me to believe that the note would not produce
any good effect. I, therefore, determined not to pre-
sent it. The Emperor is still in Paris, and I regret
extremely that I did not adhere to my first determi-
nation, notwithstanding the absence of the Minister of
Foreign Relations. From the situation of affairs here,
it is impossible to foresee the delays to which this per-
plexing business will yet be subject. In the first and
only interview which I had with the Duke of Bassa-
no, he said expressly that the obstacles which his ab-
sence had thrown in the way of the negotiation should
not occur again. Two months have not elapsed be-
fore the same obstacles are presented."

MONDAY, April 18.

Adjournment.

The usual order was then adopted to appoint
a joint committee to wait on the President of
the United States, to inform him both Houses,
having completed the business before them,
were about to adjourn. Mr. ANDERSON and Mr.
WHARTON were appointed on the part of the
Senate, and Messrs. EPPES, OAKLEY, and ROB-
ERTSON, on the part of this House.

Mr. EPPES, from the committee appointed to
wait on the President of the United States, re-
ported that they had performed the duty as-
signed to them, and received for answer, that
he had no further communications to make to
the House.

And the House, after receiving back all the
bills which had been laid before the President,
adjourned until the last Monday in October next.

THIRTEENTH CONGRESS.—THIRD SESSION.

BEGUN AT THE CITY OF WASHINGTON, SEPTEMBER 19, 1814.

PROCEEDINGS IN THE SENATE.

A PROCLAMATION

By the President of the United States of America.

WHEREAS great and weighty matters, claiming the consideration of the Congress of the United States, form an extraordinary occasion for convening them, I do, by these presents, appoint Monday, the nineteenth day of September next, for their meeting at the city of Washington: hereby requiring the respective Senators and Representatives then and there to assemble in Congress, in order to receive such communications as may then be made to them, and to consult and determine on such measures as in their wisdom may be deemed meet for the welfare of the United States.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

Done at the city of Washington, the eighth day of August, in the year of our Lord one thousand eight hundred and fourteen, and of the independence of the United States the thirty-ninth.

JAMES MADISON.

By the President :

JAMES MONROE,
Secretary of State.

MONDAY, September 19, 1814.

Conformably to the above Proclamation of the President of the United States of the 8th of August last, the third session of the Thirteenth Congress commenced this day at the city of Washington, and the Senate assembled.

PRESENT.

JOSEPH B. VARNUM, from Massachusetts.
JEREMIAH B. HOWELL, from Rhode Island.
JONATHAN ROBINSON, from Vermont.
ABNER LACOCK and JONATHAN ROBERTS, from Pennsylvania.
OUTERBRIDGE HORSEY, from Delaware.
RICHARD BRENT and WILLIAM B. GILES, from Virginia.
JAMES TURNER, from North Carolina.
JOHN GAILLARD, from South Carolina.
CHARLES TAIT, from Georgia.
JESSE BLEDSOE, from Kentucky.
JOSEPH ANDERSON and JESSE WHARTON, from Tennessee.

JEREMIAH MORROW and THOMAS WORTHINGTON, from Ohio.

JAMES BROWN and ELEGIUS FROMENTIN, from Louisiana.

JOHN GAILLARD, President *pro tempore*, resumed the Chair.

THOMAS W. THOMPSON, appointed a Senator by the Legislature of the State of New Hampshire, in place of Nicholas Gilman, deceased, produced his credentials, was qualified, and took his seat in the Senate.

On motion, by Mr. BLEDSOE,

Resolved, As the former Secretary of the Senate has departed this life, that the Chief Clerk do act as Secretary thereof until one shall be appointed.

Whereupon, the oath prescribed by law was administered to SAMUEL TURNER, Jr.

On motion, by Mr. ANDERSON, the Secretary was directed to acquaint the House of Representatives that a quorum of the Senate is assembled, and ready to proceed to business.

On motion, by Mr. ROBINSON, Messrs. ROBINSON and VARNUM were appointed a committee on the part of the Senate, together with such committee as may be appointed by the House of Representatives on their part, to wait on the President of the United States, and notify him that a quorum of the two Houses is assembled, and ready to receive any communications that he may be pleased to make to them.

The PRESIDENT communicated the following letter from the President of the United States; which was read :

WASHINGTON, September 17, 1814.

SIR: The destruction of the Capitol by the enemy, having made it necessary that other accommodations should be provided for the meeting of Congress, Chambers for the Senate and for the House of Representatives, with other requisite apartments, have been fitted up, under the direction of the Superintendent of the city, in the public building heretofore allotted for the Post and other public offices.

JAMES MADISON.

The PRESIDENT
Of the Senate of the United States.

TUESDAY, September 20.

WILLIAM W. BIBB, from the State of Georgia, took his seat in the Senate.

Mr. WORTHINGTON submitted the following motion :

Resolved, That two Chaplains, of different denominations, be appointed to Congress during the present session, one by each House, who shall interchange weekly.

Mr. ROBINSON reported, from the joint committee, that they had waited on the President of the United States, and that the President informed the committee that he would make a communication to the two Houses this day, at 12 o'clock.

President's Message.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

*Fellow-citizens of the Senate
and House of Representatives :*

Notwithstanding the early day which had been fixed for your session of the present year, I was induced to call you together still sooner, as well that any inadequacy in the existing provisions for the wants of the Treasury might be supplied, as that no delay might happen in providing for the result of the negotiations on foot with Great Britain, whether it should require arrangements adapted to a return of peace, or further and more effective provisions for prosecuting the war.

That result is not yet known. If, on one hand, the repeal of the Orders in Council, and the general pacification in Europe, which withdrew the occasion on which impressments from American vessels were practised, suggest expectations that peace and amity may be re-established, we were compelled, on the other hand, by the refusal of the British Government to accept the offered mediation of the Emperor of Russia; by the delays in giving effect to its own proposal of a direct negotiation; and, above all, by the principles and manner in which the war is now avowedly carried on, to infer that a spirit of hostility is indulged more violent than ever against the rights and prosperity of this country.

This increased violence is best explained by the two important circumstances, that the great contest in Europe for an equilibrium guaranteeing all its States against the ambition of any, has been closed without any check on the overbearing power of Great Britain on the ocean; and it has left in her hands disposable armaments with which, forgetting the difficulties of a remote war with a free people, and yielding to the intoxication of success, with the example of a great victim to it before her eyes, she cherishes hopes of still further aggrandizing a power already formidable in its abuses to the tranquillity of the civilized and commercial world.

But, whatever may have inspired the enemy with these more violent purposes, the public councils of a nation, more able to maintain than it was to acquire its independence, and with a devotion to it rendered more ardent by the experience of its blessings, can never deliberate but on the means most effectual for defeating the extravagant views or unwarrantable passions with which alone the war can now be pursued against us.

In the events of the present campaign, the enemy, with all his augmented means, and wanton use of

them, has little ground for exultation, unless he can feel it in the success of his recent enterprises against this metropolis and the neighboring town of Alexandria, from both of which his retreats were as precipitate as his attempts were bold and fortunate. In his other incursions on our Atlantic frontier, his progress, often checked and chastised by the martial spirit of the neighboring citizens, has had more effect in distressing individuals, and in dishonoring his arms, than in promoting any object of legitimate warfare. And, in the two instances mentioned, however deeply to be regretted on our part, he will find in his transient success, which interrupted for a moment only the ordinary public business at the Seat of Government, no compensation for the loss of character with the world, by his violations of private property, and by his destruction of public edifices, protected, as monuments of the arts, by the laws of civilized warfare.

On our side, we can appeal to a series of achievements which have given new lustre to the American arms. Besides the brilliant incidents in the minor operations of the campaign, the splendid victories gained on the Canadian side of the Niagara, by the American forces under Major General Brown, and Brigadiers Scott and Gaines, have gained for these heroes, and their emulating companions, the most unfading laurels; and, having triumphantly tested the progressive discipline of the American soldiery, have taught the enemy that the longer he protracts his hostile efforts, the more certain and decisive will be his final discomfiture.

On our southern border, victory has continued also to follow the American standard. The bold and skilful operations of Major General Jackson, conducting troops drawn from the militia of the States least distant, particularly of Tennessee, have subdued the principal tribes of hostile savages, and, by establishing a peace with them, preceded by recent and exemplary chastisement, has best guarded against the mischief of their co-operation with the British enterprises which may be planned against that quarter of our country. Important tribes of Indians on our Northwestern frontier have also acceded to stipulations which bind them to the interests of the United States, and to consider our enemy as theirs also.

In the recent attempt of the enemy on the city of Baltimore, defended by militia and volunteers, aided by a small body of regulars and seamen, he was received with a spirit which produced a rapid retreat to his ships; whilst a concurrent attack by a large fleet was successfully resisted by the steady and well-directed fire of the fort and batteries opposed to it.

In another recent attack by a powerful force on our troops at Plattsburg, of which regulars made a part only, the enemy, after a perseverance for many hours, was finally compelled to seek safety in a hasty retreat, with our gallant bands pressing upon him.

On the Lakes, so much contested throughout the war, the great exertions for the command made on our part have been well repaid. On Lake Ontario, our squadron is now, and has been for some time, in a condition to confine that of the enemy to his own port, and to favor the operations of our land forces on that frontier.

A part of the squadron on Lake Erie has been extended into Lake Huron, and has produced the advantage of displaying our command on that lake also. One object of the expedition was the reduction of Mackinaw, which failed, with the loss of a few brave

SEPTEMBER, 1814.]

President's Message.

[SENATE.]

men, among whom was an officer justly distinguished for his gallant exploits. The expedition, ably conducted by both the land and the naval commanders, was otherwise highly valuable in its effects.

On Lake Champlain, where our superiority had for some time been undisputed, the British squadron lately came into action with the American, commanded by Captain Macdonough. It issued in the capture of the whole of the enemy's ships. The best praise for this officer, and his intrepid comrades, is in the likeness of his triumph to the illustrious victory which immortalized another officer, and established, at a critical moment, our command of another lake.

On the ocean, the pride of our naval arms has been amply supported. A second frigate has indeed fallen into the hands of the enemy, but the loss is hidden in the blaze of heroism with which she was defended. Captain Porter, who commanded her, and whose previous career had been distinguished by daring enterprise and by fertility of genius, maintained a sanguinary contest against two ships, one of them superior to his own, and under other severe disadvantages, till humanity tore down the colors which valor had nailed to the mast. This officer and his brave comrades have added much to the rising glory of the American flag, and have merited all the effusions of gratitude which their country is ever ready to bestow on the champions of its rights and of its safety.

Two smaller vessels of war have also become prizes to the enemy; but, by a superiority of force which sufficiently vindicates the reputation of their commanders; whilst two others, one commanded by Captain Warrington, the other by Captain Blakely, have captured British ships of the same class, with a gallantry and good conduct which entitle them and their companions to a just share in the praise of their country.

In spite of the naval force of the enemy accumulated on our coasts, our private cruisers also have not ceased to annoy his commerce, and to bring their rich prizes into our ports; contributing thus, with other proofs, to demonstrate the incompetency and illegality of a blockade, the proclamation of which is made the pretext for vexing and discouraging the commerce of neutral powers with the United States.

To meet the extended and diversified warfare adopted by the enemy, great bodies of militia have been taken into service for the public defence, and great expenses incurred. That the defence every where may be both more convenient and more economical, Congress will see the necessity of immediate measures for filling the ranks of the regular Army, and of enlarging the provision for special corps, mounted and unmounted, to be engaged for longer periods of service than are due from the militia. I earnestly renew, at the same time, a recommendation of such changes in the system of the militia, as, by classing and disciplining for the most prompt and active service the portions most capable of it, will give to that great resource for the public safety all the requisite energy and efficiency.

The moneys received into the Treasury during the nine months ending on the 30th day of June last, amounted to thirty-two millions of dollars, of which near eleven millions were the proceeds of the public revenue, and the remainder derived from loans. The disbursements for public expenditures during the same period exceeded thirty-four millions of dollars, and left in the Treasury, on the first day of July, near five millions of dollars. The demands during the remainder of the present year, already authorized by

Congress, and the expenses incident to an extension of the operations of the war, will render it necessary that large sums should be provided to meet them.

From this view of the national affairs, Congress will be urged to take up, without delay, as well the subject of pecuniary supplies as that of military force, and on a scale commensurate with the extent and the character which the war has assumed. It is not to be disguised that the situation of our country calls for its greatest efforts. Our enemy is powerful in men and in money, on the land and on the water. Availing himself of fortuitous advantages, he is aiming, with his undivided force, a deadly blow at our growing prosperity, perhaps at our national existence. He has avowed his purpose of trampling on the usages of civilized warfare, and given earnestness of it in the plunder and wanton destruction of private property. In his pride of maritime dominion, and in his thirst of commercial monopoly, he strikes with peculiar animosity at the progress of our navigation and of our manufactures. His barbarous policy has not even spared those monuments of the arts and models of taste with which our country had enriched and embellished its infant metropolis. From such an adversary, hostility, in its greatest force and in its worst forms, may be looked for. The American people will face it with the undaunted spirit which in their Revolutionary struggle defeated his unrighteous projects. His threats and his barbarities, instead of dismay, will kindle in every bosom an indignation not to be extinguished but in the disaster and expulsion of such cruel invaders. In providing the means necessary, the National Legislature will not distrust the heroic and enlightened patriotism of its constituents. They will cheerfully and proudly bear every burden of every kind which the safety and honor of the nation demand. We have seen them every where paying their taxes, direct and indirect, with the greatest promptness and alacrity. We see them rushing with enthusiasm to the scenes where danger and duty call. In offering their blood, they give the surest pledge that no other tribute will be withheld.

Having forborne to declare war until to other aggressions had been added the capture of nearly a thousand American vessels, and the impressment of thousands of American seafaring citizens, and until a final declaration had been made by the Government of Great Britain, that her hostile orders against our commerce would not be revoked, but on conditions as impossible as unjust; whilst it was known that these orders would not otherwise cease, but with a war which had lasted nearly twenty years, and which, according to appearances at that time, might last as many more; having manifested, on every occasion, and in every proper mode, a sincere desire to arrest the effusion of blood, and meet our enemy on the ground of justice and reconciliation, our beloved country, in still opposing to his persevering hostility all its energies, with an undiminished disposition towards peace and friendship on honorable terms, must carry with it the good wishes of the impartial world, and the best hopes of support from an omnipotent and kind Providence. JAMES MADISON.

WASHINGTON, Sept. 20, 1814.

The Message was read, and five hundred copies thereof ordered to be printed for the use of the Senate.

WEDNESDAY, September 21.

DUDLEY CHACE, from the State of Vermont;

SENATE.]

Death of Samuel A. Otis.

[OCTOBER, 1814.]

OBADIAH GERMAN, from the State of New York; ROBERT H. GOLDSBOROUGH, from the State of Maryland; and DAVID STONE, from the State of North Carolina, severally took their seats in the Senate.

THURSDAY, September 22.

JOHN CONDIT, from the State of New Jersey, took his seat in the Senate.

Death of Senator Gilman.

On motion, by Mr. THOMPSON,

Resolved unanimously, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of the honorable NICHOLAS GILMAN, deceased, late a member thereof, will go into mourning for him one month, by the usual mode of wearing a crape round the left arm.

FRIDAY, September 23.

DAVID DAGGETT, from the State of Connecticut, took his seat in the Senate.

Defence of Washington.

The Senate resumed the motion made yesterday for the appointment of a committee to inquire into the state of the preparations for the defence of the city of Washington; and, on motion, by Mr. WORTHINGTON, the motion was amended and agreed to as follows:

Resolved, That the Committee on Military Affairs be instructed to inquire into the state of preparations for the defence of the city of Washington, and whether any further provisions by law be necessary for that object, with leave to report by bill or otherwise.

MONDAY, September 26.

JOHN TAYLOR, from the State of South Carolina, took his seat in the Senate.

MONDAY, October 3.

WILLIAM HILL WELLS, from the State of Delaware, took his seat in the Senate.

TUESDAY, October 4.

JEREMIAH MASON, from the State of New Hampshire, took his seat in the Senate.

THURSDAY, October 6.

CHRISTOPHER GORE, from the State of Massachusetts; WILLIAM HUNTER, from the State of Rhode Island and Providence Plantations; and RUFUS KING, from the State of New York, severally attended.

Victory on Lake Champlain.

Mr. TAIT, from the Committee on Naval Affairs, reported, in part, the following resolutions, which were read, and passed to the second reading:

Resolutions expressive of the sense of Congress of the gallant conduct of Captain Thomas Macdonough, the officers, seamen, marines, and infantry serving as marines, on board the United States squadron on Lake Champlain.

Resolved, by the Senate and House of Representa-

tives of the United States of America in Congress assembled, That the thanks of Congress be, and the same are hereby presented to Captain Thomas Macdonough, and, through him, to the officers, petty officers, seamen, marines, and infantry serving as marines, attached to the squadron under his command, for the decisive and splendid victory gained on Lake Champlain, on the 11th of September, in the year one thousand eight hundred and fourteen, over a British squadron of superior force.

Resolved, That the President of the United States be requested to cause gold medals to be struck, emblematical of the action between the two squadrons, and to present them to Captain Macdonough and Captain Robert Henly, and also to Lieutenant Stephen Cassin, in such manner as may be most honorable to them; and that the President be further requested to present a silver medal, with suitable emblems and devices, to each of the commissioned officers of the Navy and Army serving on board; and a sword to each of the Midshipmen and Sailingmasters, who so nobly distinguished themselves in that memorable conflict.

Resolved, That the President of the United States be requested to present a silver medal, with like emblems and devices, to the nearest male relative of Lieutenant Peter Gamble, and of Lieutenant John Stansbury, and to communicate to them the deep regret which Congress feel for the loss of those gallant men, whose names ought to live in the recollection and affection of a grateful country.

Resolved, That — months' pay be allowed, exclusively of the common allowance, to all the petty officers, seamen, marines, and infantry serving as marines, who so gloriously supported the honor of the American flag on that memorable day.

Mr. TAIT also communicated a letter from the Secretary of the Navy, together with copies of documents in relation to the victory obtained by the United States squadron, under the command of Captain Thomas Macdonough, over that of the enemy, on Lake Champlain; which was read, and ordered to be printed for the use of the Senate.

FRIDAY, October 7.

The resolutions expressive of the sense of Congress of the gallant conduct of Captain Thomas Macdonough, the officers, seamen, and marines, and infantry serving as marines, on board the United States squadron on Lake Champlain, were read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, the President reported them to the House accordingly; and the resolutions were ordered to be engrossed and read the third time.

Death of Samuel A. Otis.

On motion, by Mr. GORE,

Resolved, unanimously, That the Senate, from a sincere desire of testifying their respect for the long and faithful services of their late Secretary, SAMUEL A. OTIS, Esq., who performed the duties of that office with punctuality and exactness, from the commencement of this Government until the close of the last session of Congress,

OCTOBER, 1814.]

Mr. Jefferson's Library.

[SENATE.]

will go into mourning for one month, in the usual method of wearing crape round the left arm.

Mr. Jefferson's Library.

Mr. GOLDSBOROUGH, from the joint committee on the Library of Congress, reported a joint resolution empowering the committee to contract for the purchase of the library of Mr. Jefferson, late President of the United States, for the use of Congress; and the resolution was read, and passed to the second reading.

On motion by Mr. GOLDSBOROUGH, the resolution was read the second time by unanimous consent, and considered as in Committee of the Whole; and on motion, by Mr. KING, the further consideration thereof was postponed.

The report is as follows:

"That they have received, through Mr. Samuel H. Smith, an offer from Mr. Jefferson, late President of the United States, of the whole of his library for Congress, on such terms as they consider highly advantageous to the nation, and worthy the distinguished gentleman who tenders it. But the means placed at the disposal of the committee being very limited, and totally inadequate to the purchase of such a library as that now offered, the committee must have recourse to Congress either to extend their powers, or adopt such other as they may think most proper.

"Should it be the sense of Congress to confide this matter to the committee, they respectfully submit the following resolution:

"*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint library committee of the two Houses of Congress be, and they are hereby authorized and empowered to contract, on their part, for the purchase of the library of Mr. Jefferson, late President of the United States, for the use of both Houses of Congress.*"

MONDAY, October 10.

GEORGE WALKER, appointed Senator by the Executive of the State of Kentucky, in place of George M. Bibb, resigned, produced his credentials, was qualified, and took his seat in the Senate.

Mr. Jefferson's Library.

Mr. GOLDSBOROUGH, chairman of the joint Library Committee of Congress, communicated a letter from Samuel H. Smith, Esq., enclosing one from Mr. Jefferson, tendering the disposition of his library to Congress; which were read.

Mr. Jefferson's letter is as follows:

MONTICELLO, September 21, 1814.

DEAR SIR: I learn from the newspapers that the Vandalism of our enemy has triumphed at Washington, over science as well as the arts, by the destruction of the public library, with the noble edifice in which it was deposited. Of this transaction, as of that of Copenhagen, the world will entertain but one sentiment. They will see a nation suddenly withdraw from a great war, full armed and full handed, taking advantage of another whom they had recently forced into it, unarmed and unprepared, to indulge themselves in acts of barbarism which does not belong to a civilized age. When Van Tromp destroyed their shipping at Chatham, and De Ruyter rode triumph-

antly up the Thames, he might, in like manner, by the acknowledgment of their own historians, have forced all their ships up to London Bridge, and there have burnt them, the Tower, and city, had these examples been then set. London, when thus menaced, was near a thousand years old; Washington but in its teens.

I presume it will be among the early objects of Congress to recommence their collection. This will be difficult while the war continues, and intercourse with Europe is attended with so much risk. You know my collection, its condition and extent. I have been fifty years making it, and have spared no pains, opportunity or expense, to make it what it now is. While residing in Paris I devoted every afternoon I was disengaged, for a summer or two, in examining all the principal bookstores, turning over every book with my own hands, and putting by every thing which related to America, and, indeed, whatever was rare and valuable in every science; besides this, I had standing orders, during the whole time I was in Europe, in its principal book marts, particularly Amsterdam, Frankfort, Madrid, and London, for such works relating to America as could not be found in Paris. So that in that department, particularly, such a collection was made as probably can never again be effected; because it is hardly probable that the same opportunities, the same time, industry, perseverance, and expense, with some knowledge of the bibliography of the subject, would again happen to be in concurrence. During the same period, and after my return to America, I was led to procure also whatever related to the duties of those in the highest concerns of the nation; so that the collection, which I suppose is of between nine and ten thousand volumes, while it includes what is chiefly valuable in science and literature generally, extends more particularly to whatever belongs to the American statesman; in the diplomatic and parliamentary branches, it is particularly full. It is long since I have been sensible it ought not to continue private property, and had provided that, at my death, Congress should have the refusal of it, at their own price; but the loss they have now incurred makes the present the proper moment for their accommodation, without regard to the small remnant of time and the barren use of my enjoying it. I ask of your friendship, therefore, to make for me the tender of it to the Library Committee of Congress, not knowing myself of whom the committee consists. I enclose you a catalogue, which will enable them to judge of its contents. Nearly the whole are well bound—abundance of them elegantly, and of the choicest editions. They may be valued by the persons named by themselves, and the payment made convenient to the public; it may be, for instance, in such annual instalments as the law of Congress has left at their disposal, or in stock of any of their late loans, or any loan they may institute at this session, so as to spare the present calls of our country, and await its days of peace and prosperity. They may enter, nevertheless, into immediate use of it, as eighteen or twenty wagons would place it in Washington in a single trip of a fortnight. I should be willing, indeed, to retain a few of the books to amuse the time I have yet to pass, which might be valued with the rest, but not included in the sum of valuation until they should be restored at my death, which I would cheerfully provide for, so that the whole library, as it stands in the catalogue at this

moment, should be theirs, without any garbling. Those I should like to retain would be chiefly classical and mathematical, some few in other branches, and particularly one of the five Encyclopedias in the catalogue; but this, if not acceptable, would not be urged. I must add, that I have not revised the library since I came home to live, so that it is probable some of the books may be missing, except in the chapters of law and divinity, which have been revised, and stand exactly as in the catalogue, which will of course be needed, whether the tender be accepted or not. I do not know that it contains any branch of science which Congress would wish to exclude from their collection. There is in fact no subject to which a member of Congress may not have occasion to refer. But such a wish would not correspond with my views of preventing its dismemberment. My design is either to place it in their hands entire, or preserve it so here. I am engaged in making an alphabetical index of the authors' names, to be annexed to the catalogue, in order to facilitate the finding their works in the catalogue, which I will forward to you as soon as completed. Any agreement you shall be so good as to take the trouble of entering into with the committee, I hereby confirm.

Accept the assurance of my great esteem and respect,
THOMAS JEFFERSON.

The Senate then resumed, as in Committee of the Whole, the "resolution empowering the joint library committee to contract for the purchase of Mr. Jefferson's library;" and, no amendment having been proposed, the President reported it to the House accordingly; and on the question, "Shall this resolution be engrossed and read a third time?" it was determined in the affirmative.

On motion by Mr. FROMENTIN, it was read a third time by unanimous consent, and passed.

TUESDAY, October 11.

Charles Cutts, Esq., elected Secretary.

Agreeable to the resolution of the 6th instant, the Senate proceeded to the election of a Secretary, and the whole number of ballots collected was thirty-one, of which CHARLES CUTTS, had sixteen, and was accordingly elected in the place of Samuel Allyne Otis, deceased.

WEDNESDAY, October 12.

The oaths prescribed were, by the President, administered to CHARLES CUTTS, Esq., Secretary of the Senate.

MONDAY, October 17.

The resolutions expressive of the sense of Congress of the gallantry and good conduct with which the reputation of the arms of the United States has been sustained by Major General Brown, Major General Scott, and Brigadiers Ripley, Miller, Porter, Gaines, and Macomb, were read the second time, and referred to the Committee on Military Affairs, to consider and report thereon.

Honors to Captain Johnston Blakely.

Mr. TAIT, from the Naval Committee, re-

ported, in part, a resolution expressive of the sense of Congress relative to the capture of the British sloop Reindeer by the American sloop Wasp; and the resolution was read, and passed to the second reading.

Mr. TAIT communicated a letter from the Secretary for the Department of Navy, with copies of the documents relative to the capture and destruction of the enemy's sloop of war Reindeer, by the American sloop of war Wasp, commanded by Captain Johnston Blakely; and the letter and documents therein referred to were read, and ordered to be printed for the use of the Senate.

THURSDAY, October 20.

SAMUEL SMITH, from the State of Maryland, took his seat in the Senate.

MONDAY, October 24.

JOHN LAMBERT, from the State of New Jersey, took his seat in the Senate.

WEDNESDAY, October 26.

Taxation of Bank Notes—Memorial of Stephen Girard.

Mr. ROBERTS presented the memorial of Stephen Girard, of the city of Philadelphia, stating that he has established a bank upon his own fortune and credit, and for his own exclusive emolument, and that, by the construction given to the act of Congress laying duties on notes of banks, bankers, &c., he is excluded from the privileges enjoyed by other banking companies, and praying relief, for reasons stated at large in the memorial; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. ROBERTS, SMITH, and DAGGETT, were appointed the committee.

The memorial is as follows:

To the Senate and House of Representatives in Congress assembled, the memorial of Stephen Girard, of the city of Philadelphia, in the State of Pennsylvania, merchant and banker, respectfully sheweth:

That your memorialist has established a bank in the city of Philadelphia, upon the foundation of his own individual fortune and credit, and for his own exclusive emolument, and that he is willing most cheerfully to contribute, in common with his fellow-citizens throughout the United States, a full proportion of the taxes which have been imposed for the support of the National Government according to the profits of his occupation and the value of his estate; but a construction has been given to the acts of Congress laying duties on notes of banks, &c., from which great difficulties have occurred and great inequalities daily produced to the disadvantage of his bank, that were not, it is confidently believed, within the contemplation of the Legislature.

That the first section of the act of Congress of the 2d August, 1813, having imposed a stamp duty on notes issued by any banker or bankers, as well as by any banks or companies, either incorporated or not incorporated, it is provided by the second section of the act, "that in respect to any stamp on any of the notes of the banks or companies aforesaid, now es-

NOVEMBER, 1814.]

Death of the Vice President.

[SENATE.]

tablished, or which may hereafter be established within the United States, it shall be lawful for the Secretary of the Treasury to agree to an annual composition, in lieu of such stamp duty, with any of the said banks or companies, of 1½ per centum on the amount of the annual dividend made by such banks to their stockholders respectively; that your memorialist, in due season, offered to enter into the said composition, at the rate of 1½ per centum on the amount of the annual profit of this bank, deeming the annual profit of an individual banker equivalent in language and in law, to the annual dividend of a bank established by a corporation or company. That it has been officially declared, however, that the second section of the act of Congress does not authorize a composition with an individual banker, because it speaks only of banks and companies, (not of banker and bankers,) and because it speaks only of dividends (not of profits) made to the stockholders; and that hence an individual banker, acting upon a capital of one million of dollars, and issuing bank notes to the amount of one million of dollars, is subjected to the prompt payment of a duty amounting to \$10,000, while an incorporated bank, or even a private company of two or three bankers, acting upon the same amount of capital and issuing the same amount of bank notes, will only be liable, periodically, to the payment of a duty amounting to \$1,500, upon the customary annual dividend of ten per cent.

That the first section of the act of Congress of the 2d August, 1813, imposes a stamp duty upon any promissory note, or notes, payable either to bearer or order, issued by any banks or companies, or by any banker or bankers; that the eighth section of the act provided that no banks or companies, which shall not have compounded for the stamp duty, shall issue any bank bill or promissory note, unless upon paper duly stamped and whereon the respective duties shall have been paid; and the twelfth section of the act declares, that all the paper wanted for the purpose of the stamp duty, excepting paper for bank notes, shall be furnished, at the expense of the United States, by the Secretary of the Treasury. That, after the rejection of this offer to enter into a composition for the stamp duty, your memorialist has complied with the directions of the law, and has transmitted to the Commissioner of the Revenue sheets of bank notes in order to be stamped.

That, independent of the great hazard and delay to which your memorialist is exposed by these operations, it is obvious, from the texture and quality of bank paper, that the stamp, as at present impressed on bank notes, must disappear in the course of an extensive circulation, producing some uncertainty in the revenue, and probably great injustice to individuals.

And your memorialist, having submitted these considerations to the wisdom of Congress, respectfully prays, that the act of Congress may be so amended, as to permit the Secretary of the Treasury to enter into a composition for the stamp duty, in the case of private bankers as well as in the case of corporations and companies, or so as to render the duty equal in its operations upon every denomination of bankers.

STEPHEN GIRARD.

PHILADELPHIA, October 24, 1814.

WEDNESDAY, November 2.

SAMUEL W. DANA, from the State of Connecticut took his seat in the Senate.

THURSDAY, November 8.

Mr. ROBERTS, from the committee to whom was referred the petition of Stephen Girard, reported a bill supplementary to an act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions; and the bill was read, and passed to the second reading.

WEDNESDAY, November 23.

Death of the Vice President.

About the hour of meeting, a report having reached the Senate Chamber of the death of the VICE PRESIDENT of the United States, the members from Massachusetts, Messrs. VARNUM and GORE, proceeded to his lodgings to ascertain the fact; and, on their return, having announced the fact to the Senate, the following proceeding took place, on motion of Mr. BLEDSOE.

The Senate, being informed of the death of their distinguished fellow-citizen, ELBRIDGE GERRY, Vice President of the United States,

Do Resolve, That a committee be appointed, jointly with such committee as may be appointed on the part of the House of Representatives, to consider and report measures most proper to manifest the public respect for the memory of the deceased, and expressive of the deep regret of the Congress of the United States for the loss of a citizen so highly respected and revered.

Ordered, That Messrs. GORE, VARNUM, SMITH, ANDERSON, and GAILLARD, be the committee.

On motion of Mr. BLEDSOE,

Ordered, That the Secretary inform the House of Representatives of the decease of the Vice President of the United States, and communicate the foregoing resolution.

A message from the House of Representatives informed the Senate that the House concur in the resolution of the Senate for the appointment of a joint committee, to consider and report measures proper to manifest the public respect for the memory of the VICE PRESIDENT of the United States, deceased; and have appointed a committee on their part.

The Senate then adjourned.

THURSDAY, November 24.

On motion, by Mr. GORE,

Resolved, unanimously, That from an unfeigned respect to the late ELBRIDGE GERRY, Vice President of the United States, and President of the Senate, the Chair of the President of the Senate be shrouded with black during the present session; and, as a further testimony of respect for the memory of the deceased, the members of the Senate will go into mourning, and wear black crape round the left arm for thirty days.

FRIDAY, November 25.

Election of Presiding Officer.

On motion, by Mr. BRENT, that the Senate now proceed to the election of President *pro tempore*.

Mr. BRENT's motion was then agreed to, and the Senate proceeded to a choice, accordingly.

On the first ballot, the whole number of votes being thirty, there were: For Mr. GAILLARD, 14; Mr. KING, 10; Mr. CHACE, 8; Mr. ANDERSON, 1; Mr. SMITH, 1; and Mr. TAIT, 1.

On the second ballot, there were: For Mr. GAILLARD, 16; Mr. KING, 10; Mr. CHACE, 5; and Mr. ANDERSON, 1.

Mr. GAILLARD was therefore declared duly elected; and, on taking the Chair, addressed the Senate nearly as follows:

"Honorable Gentlemen: While I lament the sudden and melancholy event which has led to the distinguished honor conferred on me, I am so truly sensible of my own incompetency to discharge the duties of the station to which I am called, in a manner suitable to their importance, and correspondent to the dignity of this honorable body, that I approach the exercise of them with unfeigned diffidence and apprehension. All that I dare hope is, that my efforts will be considered as the result of well-meant intentions: all that I dare promise is, that my best exertions shall be directed to a faithful and impartial execution of the trust confided to me. Relying, then, on the candor and liberality which have ever characterized this respectable assembly, I will proceed to the performance of the duties assigned me."

On motion, by Mr. BIBB,

Ordered, That the Secretary wait on the President of the United States, and acquaint him that the Senate have, in consequence of the decease of the VICE PRESIDENT of the United States, elected the Honorable JOHN GAILLARD President of the Senate *pro tempore*.

Ordered, That the Secretary make a similar communication to the House of Representatives.

MONDAY, November 28.

Tax on Bank Notes.

The engrossed bill supplementary to an act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions, having been reported correct, was read a third time.

On the question, "Shall this bill pass?" it was determined in the affirmative—yeas 20, nays 7, as follows:

YEAS.—Messrs. Anderson, Bibb, Bledsoe, Brown, Chace, Condit, Dana, Fromentin, Gaillard, Lacock, Morrow, Roberts, Robinson, Smith, Tait, Taylor, Turner, Varnum, Walker, and Wharton.

NAYS.—Messrs. Daggett, Goldsborough, Horsey, Hunter, Lambert, Mason, and Thompson

THURSDAY, December 8:

Bank of the United States.

The Senate resumed, as in Committee of the

Whole, the consideration of the bill to incorporate the subscribers to the Bank of the United States of America.

And the President reported the bill to the House amended.

On the question, "Shall this bill be engrossed and read a third time as amended?" it was determined in the affirmative—yeas 18, nays 13, as follows:

YEAS.—Messrs. Anderson, Bibb, Bledsoe, Brent, Chace, Condit, Gaillard, Lacock, Morrow, Roberts, Robinson, Smith, Tait, Taylor, Turner, Varnum, Walker, and Wharton.

NAYS.—Messrs. Brown, Daggett, Dana, Fromentin, German, Goldsborough, Gore, Horsey, Hunter, King, Lambert, Mason, and Thompson.

TUESDAY, December 18.

A bill authorizing the appointment of certain naval officers therein named, was read a third time and passed.

[The bill authorizes the President of the United States, by and with the advice and consent of the Senate, to appoint one Vice Admiral, and two Rear Admirals; and fixes their compensation.]

SATURDAY, December 17.

The bill authorizing payment to the widow of Elbridge Gerry, deceased, late Vice President of the United States, of such salary as would have been payable to him during the residue of the term for which he was elected, had he so long lived, was read the second time, and considered as in Committee of the Whole; and no amendment having been agreed to, on the question, "Shall this bill be engrossed and read a third time?" it was determined in the affirmative—yeas 14, nays 12, as follows:

YEAS.—Messrs. Brown, Chace, Daggett, Fromentin, Gaillard, Gore, Hunter, King, Mason, Robinson, Smith, Tait, Taylor, and Thompson.

NAYS.—Messrs. Anderson, Bledsoe, Condit, German, Lacock, Lambert, Morrow, Roberts, Turner, Varnum, Walker, and Wharton.

TUESDAY, December 20.

The credentials of JONATHAN ROBERTS, appointed a Senator by the Legislature of the State of Pennsylvania, for the term of six years, commencing on the fourth of March next, were read and laid on file.

WEDNESDAY, December 28.

Revenue Bill.

The Senate resumed, as in Committee of the Whole, the consideration of the bill entitled "An act to provide additional revenues for defraying the expenses of Government and maintaining the public credit, by laying duties on household furniture, on horses kept exclusively for the saddle or carriage, and on gold and silver watches," together with the amendments reported thereto by the select committee.

JANUARY, 1815.]

Question of Senator Bledsoe's right to retain his Seat.

[SENATE.]

THURSDAY, December 29.

Revenue Bill.

The Senate resumed the consideration of the bill, entitled "An act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying duties on household furniture, on horses kept exclusively for the saddle or carriage, and on gold and silver watches."

And the bill having been further amended, on the question, "Shall the amendments be engrossed and read a third time as amended?" it was determined in the affirmative.

FRIDAY, December 30.

JOSEPH KEER, appointed a Senator by the Legislature of Ohio, in place of Thomas Worthington, resigned, produced his credentials, was qualified, and took his seat in the Senate.

Death of Senator Brent.

Mr. SMITH announced the death of the Honorable RICHARD BRENT, a Senator from the State of Virginia, who deceased this morning.

Whereupon, on motion, by Mr. SMITH,

Resolved, That a committee be appointed to take order for superintending the funeral of the Honorable RICHARD BRENT; and that the Senate will attend the same; and that notice of the event be given to the House of Representatives.

Ordered, That Messrs. SMITH, VARNUM, TURNER, GORE, and DAGGETT, be the committee.

On motion, by Mr. SMITH,

Resolved, unanimously, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of the Honorable RICHARD BRENT, deceased, late a member thereof, will go into mourning for him one month, by the usual mode of wearing a crane round the left arm.

On motion, by Mr. SMITH,

Resolved, That the President of the Senate be requested to notify the Executive of the State of Virginia, of the death of the Honorable RICHARD BRENT, late a Senator of the United States from that State.

On motion, by Mr. SMITH,

Resolved, That, as an additional mark of respect for the memory of the Honorable RICHARD BRENT, the Senate now adjourn.

THURSDAY, January 5, 1815.

Direct Taxes.

The bill entitled "An act to provide additional revenue for defraying the expenses of Government, and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same," was read a third time.

WEDNESDAY, January 11.

JAMES BARBOUR, appointed a Senator by the Legislature of the Commonwealth of Virginia,

to supply the vacancy occasioned by the decease of Richard Brent, produced his credentials, was qualified, and took his seat in the Senate.

FRIDAY, January 13.

Mr. SMITH, from the committee to whom were referred the amendments of the House to the bill to incorporate the subscribers to the Bank of the United States of America, reported the same with a number of amendments.

[The amendments to the amendments of the House propose to increase the fixed capital of the Bank from thirty to thirty-five millions of dollars; to make the capital consist of shares of four hundred instead of one hundred dollars each; that the five millions proposed to be added to the capital, shall be added also to the amount subscribable in public debt; to disagree to the proposition of the House for striking out the section which authorizes suspension of payments in specie; to agree to the section which compels the bank to commence its operations before the first day of January, and to disagree to that which proposes to authorize a committee of Congress at any time to examine the books, &c., and prescribes the course of proceeding in the courts against the bank, in case of violation of its charter.]

The consideration of this report was postponed to, and made the order of the day for to-morrow.

FRIDAY, January 20.

Question of Senator Bledsoe's right to retain his Seat.

The PRESIDENT laid before the Senate a letter from the Honorable Mr. BLEDSOE, as follows:

WASHINGTON, January 20, 1815.

SIR: Doubts having arisen whether I have a right still to fill my seat in the Senate of the United States, with a view to have the question settled, and a precedent established, and to save my own feelings on a point of duty, I beg leave, through you, to submit the following case for the decision of that honorable body:

Previous to the 24th December last, I forwarded, by mail, my resignation to the Governor of the State of Kentucky, to take place on that day, to be by him communicated to the Legislature of that State, then, and, so far as I am informed, still in session. I was, by a letter from the Governor of that State, advised that he had received my resignation, and would hold it up in the hope of hearing from me, and of a change in my determination on that subject, until about the last of that month, when he would communicate it to the Legislature. Newspaper information states that he did so, and that my successor has been appointed; which latter fact is also stated in a letter to a gentleman of the House of Representatives, as I have been informed. This is all the information I have received. Whether, under these circumstances, I am to be considered as still a member, will be for the honorable Senate to decide. Wishing it to be understood I have no other solicitude as to the result

than to be informed of my duty, which is concerned, in continuing in my place, if I have a right to do so.

I am, with high respect, your most obedient servant,

J. BLEDSOE.

The Honorable JOHN GAILLARD,
President of the Senate.

And the letter was read. Whereupon, Mr. ROBERTS submitted the following motion:

Resolved, That the facts stated in the letter of the Honorable JESSE BLEDSOE, addressed to the President of the Senate, do not vacate his seat in the Senate.

A motion was made by Mr. KING, to amend the resolution by striking out therefrom the word "not;" and it was determined in the affirmative—yeas 25, nays 8, as follows:

YEAS.—Messrs. Anderson, Barbour, Brown, Chace, Daggett, Fromentin, Gaillard, German, Giles, Goldsborough, Gore, Horsey, Howell, Hunter, Kerr, King, Lambert, Mason, Morrow, Robinson, Tait, Taylor, Thompson, Wells, and Wharton.

NAYS.—Messrs. Bibb, Condit, Dana, Lacock, Roberts, Smith, Turner, and Varnum.

On the question, "Shall the resolution pass as amended?" it was determined in the affirmative—yeas 27, nays 6, as follows:

YEAS.—Messrs. Anderson, Barbour, Brown, Chace, Daggett, Fromentin, Gaillard, German, Giles, Goldsborough, Gore, Horsey, Howell, Hunter, Kerr, King, Lacock, Lambert, Mason, Morrow, Robinson, Tait, Taylor, Thompson, Turner, Wells, and Wharton.

NAYS.—Messrs. Bibb, Condit, Dana, Roberts, Smith, and Varnum.

So it was *Resolved*, That the facts stated in the letter of the Honorable JESSE BLEDSOE, addressed to the President of the Senate, do vacate his seat in the Senate.

MONDAY, January 23.

The PRESIDENT laid before the Senate the credentials of OUTERBRIDGE HORSEY, appointed a Senator by the Legislature of the State of Delaware, for the term of six years, commencing on the fourth day of March next; and they were read and laid on file.

THURSDAY, January 26.

Intercourse with the Enemy.

The Senate resumed the consideration of the bill to prohibit intercourse with the enemy, and for other purposes; and the amendments made in Committee of the Whole were concurred in.

And the bill having been further amended, the amendments were engrossed and the bill read a third time as amended.

FRIDAY, January 27.

Bank of the United States—Veto Message.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

Having bestowed on the bill, entitled "An act to

incorporate the subscribers to the Bank of the United States of America," that full consideration which is due to the great importance of the subject, and dictated by the respect which I feel for the two Houses of Congress, I am constrained, by a deep and solemn conviction that the bill ought not to become a law, to return it to the Senate, in which it originated, with my objections to the same.

Waiving the question of the constitutional authority of the Legislature to establish an incorporated Bank, as being precluded, in my judgment, by repeated recognitions, under varied circumstances, of the validity of such an institution, in acts of the Legislative, Executive, and Judicial branches of the Government, accompanied by indications, in different modes, of a concurrence of the general will of the nation; the proposed bank does not appear to be calculated to answer the purpose of reviving the public credit, of providing a national medium of circulation, and of aiding the Treasury by facilitating the indispensable anticipations of the revenue, and by affording to the public more durable loans

1. The capital of the bank is to be compounded of specie, of public stock, and of Treasury notes convertible into stock, with a certain proportion of each of which every subscriber is to furnish himself.

The amount of the stock to be subscribed will not, it is believed, be sufficient to produce, in favor of the public credit, any considerable or lasting elevation of the market price, whilst this may be occasionally depressed by the bank itself, if it should carry into the market the allowed proportion of its capital consisting of public stock, in order to procure specie, which it may find its account in procuring, with some sacrifice on that part of its capital.

Nor will any adequate advantage arise to the public credit from the subscription of Treasury notes. The actual issue of these notes nearly equals at present, and will soon exceed, the amount to be subscribed to the bank. The direct effect of this operation is simply to convert fifteen millions of Treasury notes into fifteen millions of six per cent. stock, with the collateral effect of promoting an additional demand for Treasury notes, beyond what might otherwise be negotiable.

Public credit might indeed be expected to derive advantage from the establishment of a National Bank, without regard to the formation of its capital, if the full aid and co-operation of the institution were secured to the Government during the war, and during the period of its fiscal embarrassments. But, the bank proposed will be free from all legal obligation to co-operate with the public measures; and whatever might be the patriotic disposition of its directors to contribute to the removal of those embarrassments, and to invigorate the prosecution of the war, fidelity to the pecuniary and general interest of the institution, according to their estimate of it, might oblige them to decline a connection of their operations with those of the National Treasury, during the continuance of the war and the difficulties incident to it. Temporary sacrifices of interest, though overbalanced by the future and permanent profits of the charter, not being requirable of right in behalf of the public, might not be gratuitously made, and the bank would reap the full benefit of the grant, whilst the public would lose the equivalent expected from it. For it must be kept in view, that the sole inducement to such a grant, on the part of the public, would be the prospect of substantial aids to its

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Bank of the United States—Veto Message.

[SENATE.]

pecuniary means at the present crisis, and during the sequel of the war. It is evident that the stock of the bank will, on the return of peace, if not sooner, rise in the market to a value which, if the bank were established in a period of peace, would authorize and obtain for the public a bonus to a very large amount. In lieu of such a bonus the Government is fairly entitled to, and ought not to relinquish or risk, the needful services of the bank, under the pressing circumstances of war.

2. The bank, as proposed to be constituted, cannot be relied on during the war, to provide a circulating medium, nor to furnish loans, or anticipations of the public revenue.

Without a medium, the taxes cannot be collected; and, in the absence of specie, the medium understood to be the best substitute is that of notes issued by a National bank. The proposed bank will commence and conduct its operations under an obligation to pay its notes in specie, or be subject to the loss of its charter. Without such an obligation, the notes of the bank, though not exchangeable for specie, yet resting on good pledges, and performing the uses of specie, in the payment of taxes, and in other public transactions, would, as experience has ascertained, qualify the bank to supply at once a circulating medium, and pecuniary aids to the Government. Under the fetters imposed by the bill, it is manifest that, during the actual state of things, and probably during the war, the period particularly requiring such a medium and such a resource for loans and advances to the Government, notes for which the bank would be compellable to give specie in exchange could not be kept in circulation. The most the bank could effect, and the most it could be expected to aim at, would be to keep the institution alive by limited and local transactions, which, with the interest on the public stock in the bank, might yield a dividend sufficient for the purpose, until a change from war to peace should enable it, by a flow of specie into its vaults, and a removal of the external demand for it, to derive its contemplated emoluments from a safe and full extension of its operations.

On the whole, when it is considered that the proposed establishment will enjoy a monopoly of the profits of a National bank for a period of twenty years; that the monopolized profits will be continually growing, with the progress of the national population and wealth; that the nation will, during the same period, be dependent on the notes of the bank for that species of circulating medium, whenever the precious metals may be wanted, and at all times for so much thereof as may be an eligible substitute for a specie medium; and that the extensive employment of the notes in the collection of the augmented taxes will, moreover, enable the bank greatly to extend its profitable issues of them, without the expense of specie capital to support their circulation; it is as reasonable as it is requisite, that the Government, in return for these extraordinary concessions to the bank, should have a greater security for attaining the public objects of the institution than is presented in the bill, and particularly for every practicable accommodation, both in the temporary advances necessary to anticipate the taxes, and in those more durable loans which are equally necessary to diminish the resort to taxes.

In discharging this painful duty of stating objections to a measure which has undergone the deliberations and received the sanction of the two Houses

of the National Legislature, I console myself with the reflection that, if they have not the weight which I attach to them, they can be constitutionally overruled; and with a confidence that, in a contrary event, the wisdom of Congress will hasten to substitute a more commensurate and certain provision for the public exigencies. JAMES MADISON.

WASHINGTON, January 30, 1815.

The Message was read, and on motion, by Mr. BIBB,

Ordered, That it be printed for the use of the Senate, and that to-morrow, at twelve o'clock, the Senate will proceed to consider the bill, entitled "An act to incorporate the subscribers to the Bank of the United States of America," which has been returned by the President of the United States, with objections.

TUESDAY, January 31.

Bank of the United States—Veto Message.

Agreeably to order, the Senate proceeded to reconsider the bill passed by the two Houses, entitled "An act to incorporate the subscribers to the Bank of the United States of America," which was presented for approbation on Monday, the 28d instant, and returned by the President on the 30th instant, with objections.

The PRESIDENT's objections were also again read; and on motion, by Mr. BARBOUR, the further consideration thereof was postponed to, and made the order of the day for, Thursday next.

THURSDAY, February 2.

WILLIAM T. BARRY, appointed a Senator by the Legislature of the State of Kentucky, in the place of George M. Bibb, resigned, and ISHAM TALBOT, appointed a Senator by the Legislature of the same State, in the place of Jesse Bledsoe, resigned, respectively, produced their credentials, were qualified, and they took their seats in the Senate.

Bank of the United States—Veto Message.

The Senate resumed the consideration of the bill, passed by the two Houses, entitled "An act to incorporate the subscribers to the Bank of the United States of America," which was presented to the President of the United States for approbation, on the 28d of January, and returned by him on the 30th of the same month, with objections.

And the question being taken, "Shall this bill pass?" was determined in the negative—yeas 15, nays 19, as follows:

Those who voted in the affirmative, are,

Messrs. Brown, Daggett, Dana, Fromentin, German, Giles, Goldsborough, Gore, Horey, Hunter, King, Lambert, Mason, Tait, and Thompson.

Those who voted in the negative, are,

Messrs. Anderson, Barbour, Barry, Bibb, Chace, Condit, Gaillard, Kerr, Lacock, Morrow, Roberts, Robinson, Smith, Talbot, Taylor, Turner, Varnum, Wells, and Wharton.

So it was,

Resolved, That this bill do not pass, two-thirds of the Senate not agreeing thereto.

FRIDAY, February 3.

Public Buildings.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making appropriations for repairing or rebuilding the public buildings within the city of Washington.

Mr. FROMENTIN had moved yesterday to recommit the bill to a select committee. On this motion Mr. F. addressed the Chair as follows:

Mr. President: I am called upon to give the reasons which prompted me to make the motion now under consideration. I will endeavor to give to the Senate such an account of my motives as will enable them to judge of the propriety of the reference.

It may, perhaps, not be useless on this occasion to take a retrospective view of the length of time which has elapsed, after the erection of those buildings was determined on, before they could be used for the purposes for which they were intended, and of the sums of money which have been spent upon their construction. We shall be the better able to anticipate the probable time when these buildings may again be occupied by Congress, and to form a correct estimate of the sums of money which we may have to appropriate for those purposes.

Sir, it is more than twenty-three years, if I am correctly informed, since the public edifices, proposed now to be rebuilt, were begun to be erected. None of them, at the time of their destruction by the enemy, were completely finished; and I believe, the south wing of the Capitol was not ready for the reception of the House of Representatives more than four or five years before it was destroyed. If it be found necessary to rebuild, instead of repairing, the other hopeless alternative offered by the bill on your table, you may reasonably expect, taking into consideration the present situation of the country, especially if the war should continue, and thereby the difficulty of procuring materials, and of getting workmen, should be increased, that the two wings of the Capitol may be finished, and ready for the reception of both Houses of Congress, in about ten or twelve years.

The public buildings, including the President's House, did not cost less than fifteen hundred thousand dollars. We are told that five hundred thousand dollars will replace those edifices *in statu quo*. Sir, notwithstanding my respect for the artists who have given an opinion on this subject, I have still some doubts of the practicability of making use of the walls as they are now standing. The architects themselves are not positive on that point. They gave their opinion before the very severe frost, which we had this winter, had its effect upon those susceptible and unprotected walls. Their

opinion, if a new examination was now had, might be materially different; and the committee themselves, by reporting a bill for repairing or rebuilding the public buildings, instead of confining themselves to reporting a bill for repairing, have manifested a doubt, which it cannot be improper for me to entertain. If, then, you should ultimately be compelled to rebuild (and I firmly believe you will) the expense for rebuilding cannot be much less than the original cost of construction. The materials which you may save will about pay the expense of taking down the walls before you can rebuild.

Great, indeed, I should almost say incalculable, must be the advantages presented by this favorite situation, which, under the pressure of our present emergencies, could induce this Congress to sacrifice such immense sums of money. Three principal reasons have been adduced in support of this bill by its friends. The pride of the nation has been appealed to, and pressed into the service of this bill. Sir, when gentlemen entrench themselves behind the inexpugnable bulwark of pride, it would be in vain to use any arguments directed to their sober judgment. As well might you attempt, sword in hand, to pierce the heart of your enemy, protected from your attack by a fortress, flanked with a hundred cannon. The fortress is to be taken first; and I know of no argument strong enough to batter down the fortress erected by pride. There is but one way to come at it, sir; and it is by erecting alongside of it another pride fortress, and then fairly to begin the assault on both sides.

I, too, have my pride—not a pride to be fed upon the unpaid blood of the soldier who wins our battles; not a pride to be gratified by the vain and useless display of a borrowed, ragged magnificence. No, sir; my pride is less voracious, it is less ostentatious. Provide for filling the ranks of your army; provide for clothing, feeding and paying your soldiers and sailors. Instead of borrowing money for building costly edifices, borrow money for protecting against an invading foe the edifices yet standing. Drive the enemy from the country; then, indeed, my pride will be satisfied; then I will, with pleasure, vote money, as much money as you please, for rebuilding our public edifices; and then the more magnificent the plan, the more elegant its execution, the more my pride will be gratified.

It is further said, in support of this bill, that the plan recommended by the bill was the plan of Gen. Washington, and under the sanction of that imposing name an attempt is made to mislead our understanding. True, sir, this was the plan of Washington—but, under what circumstances? Washington was then President of the United States. The country then was rich; the country was prosperous. An extensive, unrestricted, and almost unlimited commerce brought then to the remotest corner of this vast continent all the treasures of a tributary world. The anxious eye of Washington measured the distances, and his capacious mind was

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not discouraged by them. The rapid, the almost prodigious progress of every improvement under his auspicious Administration, justified, in the opinion of that great and modest man, the anticipated expectations of corresponding improvements under the Administration of his successors. But, sir, what has been the result? Instead of realizing the high expectations of General Washington, from causes which it is foreign to my subject here to investigate, this country once rich, is now poor; this country once prosperous, is now fallen. I hope, sir, it will rise again; but till then, speak not to me of what Washington did. Speak what Washington would now advise; I say advise. The recollection of General Washington's unshakable firmness in the year 1795, forbids the idea of the possibility of his ever having had to act under such an accumulation of distressing circumstances.

When I cast my eyes on this wilderness, dignified with the name of a city; a city to be sure, very unlike the old-fashioned European city, alluded to by the Irishman, who, when placed in the middle of it, complained that he could not see the city, there were so many houses! Sir, we run no risk of hearing of any such complaints about this city. Every Irishman who arrives here may have a full view of the whole ground at once. None of those encumbrances called houses to limit the boundless prospects. Or, if there be a few, he may, among those few, open a complaisant gap through which his inquisitive eye may pierce to a distance, limited only by the foot of the surrounding hills. But, sir, the subject is too serious to admit of its being thus long treated with levity. Let me then return to it, and seriously inquire about the present state and future prospects of this city. What do we see here? Twelve or fifteen clusters of houses at a considerable distance from each other, bringing to our recollection the appearance of a camp of nomad Arabs, which, however, if connected together, would make a very respectable town, not much inferior, perhaps, to the capital of Virginia; and here and there an insulated house; the whole of it, when seen from the ruins of our public edifices, looking more like the place where proud Washington once stood, than where humble Washington now lies. If, sir, such is the situation of this city, after fifteen years since the Government removed here, during the six first years of which period there prevailed not only in this country, but all over Europe, a degree of enthusiasm bordering upon madness respecting the future destinies of this metropolis, and during which period of six years, too, this country enjoyed still the benefits of the Administration of Washington, whose good deeds for several years after his death were still in force—Washington, in his tomb, still securing the prosperity of this his beloved country—if, sir, such be now the situation of this city, what, in the present state of things, are our prospects for the future? Awful, in-

deed. How many ages must elapse before this chaos is likely to assume any thing like a describable shape? How many, before these disjointed, distracted, warring elements may be brought together, so as to form a whole, which may entitle it to be what it now purports to be, but what it is not. Is it not time, then, that we should give up the unsuccessful experiment? Is it not time that we should adopt less lofty ideas, that we should assume sentiments, that we should express opinions more conformable to our present situation? *Troja fuit, fuit Ilium.* It becomes us to be modest. Our laws to be wholesome, need not be enacted in a palace. A large, convenient, unadorned house, which will receive its lustre from Congress, instead of Congress borrowing it from the house, in the neighborhood of the public offices, in a part of the city which is best calculated by its actual improvements to afford accommodation to the members, and to facilitate their communications with each other, will answer our purpose much better than the plan recommended by the bill on your table; and if the place to erect those edifices be judiciously selected, it is to me quite immaterial in what quarter of this city. For want of the necessary information as to the quantity of ground still owned by the Government in the different parts of this city, I could not now form any opinion as to the spot where it would be proper to concentrate all our public edifices, whether temporarily or permanently. But I may be allowed to express a wish that it may be found convenient to place them as near as possible to Georgetown, not very distant from the improvements known under the appellation of the Six and Seven Buildings; and I have little doubt but that, when in compliance with the uniform laws of nature, you shall have blown up a soul into this city by creating a heart from which the blood may uninterruptedly circulate to the remotest extremities, the improvements will, by degrees, extend in every direction, until the now most distant parts from that spot, no longer shrivelled, sickly, lingering, rootless slips, destined to vegetate a few mornings, in an uncongenial soil, being in their turn reconnected with a sturdy, robust trunk, from which they will derive an invigorating sap, will soon spread a wide hospitable foliage, and become a flourishing portion of a city, the future prosperity of which cannot now, if it come at all, be secured in any other way.

I am not unaware, sir, that such a plan will call into action against it all the private interests which will conceive themselves to be aggrieved by it. But, let private interests beware. In my opinion, unless some such plan is resorted to, without some such compromise is made, the Government will not, cannot remain here many years. The inconveniences are too serious, and they are not to be surmounted. I speak not of them with reference to the individual inconvenience of the members. I speak of them in reference to their public duties. It

is unnecessary to repeat what I before stated, when I had the honor to address you on the subject of this bill. Only reflect on the only mode in which we can transact business in this place. Selected from various places of this immense empire, we meet here, not altogether free from the prejudices which prevail more or less in every part of the country we come from. This social intercourse which ought to prevail, which I am sure should prevail, did we know each other otherwise than through the incorrect medium of party representation, is entirely prohibited by the insuperable obstacles which the present situation of this city puts in our way. To these local prejudices are to be added party spirit, prejudices which pursue us unremittingly, and will not let go their hold of us in this very sanctuary. This party spirit, instead of being softened into something like conciliation, by a constant intercourse, is hardened into unutterable asperity by the mode of life we are compelled, from imperious circumstances, to pursue in this place. The very houses where we board have become a test by which to ascertain the political opinions which we are supposed to profess. We never meet but in battle array. Is it wonderful, that under these discouraging circumstances, so many months should be wasted in transacting business which, under less unfavorable auspices, might have been gone through in as many weeks? Sir, it is my firm conviction, that if we proceed on to passing this bill in its present shape, the question of removal of the seat of the Government from this place, which was advocated at the beginning of this session in the other branch of the Legislature, will soon want no advocate at all; it will soon become a matter of necessity, of sheer necessity. There may be still many unsuccessful attempts, but, sir, the best interests of the nation cannot forever be sacrificed. After some struggling, an attempt will succeed at last; and it will then be too late for the opposers of the plan which I have suggested to give themselves up to unavailing repentance.

Mr. President, I want to prevent such a state of things. I am unwilling to bring forward again, at any time, the question of a permanent seat of Government. I want this sacred spot—sacred still in my eyes, although temporarily polluted by the foot of the enemy, as long as it bears the name of Washington; I want this spot to remain forever the permanent seat of the Government of the United States. But, sir, I know of but two ways to accomplish that object; either by a temporary removal by the very act providing for which we should provide likewise for our return; not provide simply; I do not mean by a clause in the bill to that effect, but by previous appropriations, by contracts, which it should not be in the power of any succeeding Congress to repeal, or by an immediate concentration of the public buildings on a modest, economical, and commodious plan. Of these two modes, I prefer the last, as likely to meet with fewer obstacles,

as being much less expensive, but principally as being much more consonant to the principles of the justice which we owe to the people of this district. Sir, when this bill was reported, I inquired from the honorable chairman of the committee who reported it, for the papers relating to the original fixation of the several places for the building of the public edifices. I inquired for the contracts with the original proprietors of the soil, or with the purchasers. I was answered, that there was no such instrument. I shall take no advantage from this concession; in my view of the subject, there was a contract—a solemn contract; and if by any possible way it could be avoided, I would not now agree to altering, in its most inconsiderable dispositions, any part of the original plan. I am sensible, that by so doing, we seem to punish the people of this District for having placed too much confidence in our words. In our words, did I say? In our acts, sir! Look at the new ruins of the monuments on yonder hill. Were these massy walls, which have set at defiance the whole power of an enemy bent on destruction, intended to last only the short space of a dozen years? In these surviving walls I read, in characters not to be effaced, the contract of the nation with the people of the District. I find in these walls an agreement, signed, sealed, and delivered. Certainly, sir, you must be convinced, from what I have just now said, that I do not dissemble to myself, and that I am not willing to conceal from others, the equity of the claims of the people of this District. But what is to be done? Imperious necessity commands a sacrifice of some sort. A compromise must take place. You have but a choice of evils. The very bill on your table promises a tardy relief to the people on Capitol Hill, at the end of ten or twelve years. Under these impressions, and under the belief too, that the people of the District at large are ultimately to be benefited by a concentration, for the reasons previously advanced, however a few may appear likely to be sufferers by any ultimate determination as to the spot where the concentration is to take place; and under an unshakable persuasion, that by a strict adherence to the old plan, in our present circumstances, as recommended by the bill on your table, the people of this district, by grasping at too much, will ultimately lose all—from motives of economy; from motives of duty to the people of the United States; from motives of indispensable convenience to ourselves to enable us faithfully to discharge our public duties; from motives of justice to the people of this District—I have been induced to make the motion to refer that bill to a committee, for the purpose of reporting another bill to concentrate the public buildings. Sir, I am disposed to sacrifice every thing but my duty to the people of the United States at large, to keep the seat of Government here; and if you agree to concentrate the public buildings, in the hope of speedy improvements, by which many of the inconveni-

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ences which now affect the public interest will be removed, I am perfectly reconciled to remaining in this city. But, sir, if we are to remain here as we now are, with no other cheering prospects than those presented in the bill on your table, I do not hesitate to declare, that any place in the United States appears to me preferable to Washington, and the sooner we go, no matter where, no matter how heavy the amount of compensation justly due to the inhabitants of this District, the better.

When Mr. F. had concluded—

The question to recommit the bill to a select committee, was determined in the negative—yeas 18, nays 20, as follows:

YEAS.—Messrs. Bibb, Barry, Brown, Dana, Fromentin, German, Gore, Hunter, King, Lambert, Mason, Thompson, and Wells.

NAYS.—Messrs. Anderson, Barbour, Chace, Condit, Daggett, Gaillard, Giles, Goldsborough, Horsey, Kerr, Lacock, Morrow, Roberts, Smith, Tait, Talbot, Taylor, Turner, Varnum, and Wharton.

And the bill having been amended by striking out the second section thereof, the President reported it to the House accordingly, and the bill was ordered to be engrossed as amended.

MONDAY, February 6.

National Bank—Second Bill.

Mr. BARBOUR, agreeably to notice given, asked leave to introduce a bill to incorporate the subscribers to the Bank of the United States of America.

This was objected to, by Mr. MASON, as out of order, as a bill of a similar nature, passed by both Houses of Congress, and returned by the President of the United States, with his objections to the same, had, on reconsideration, been negatived by the Senate.

The PRESIDENT decided it to be in order, considering it to be sanctioned by the practice of Congress in relation to bills thus returned by the President of the United States.

Whereupon, the bill was read, and passed to the second reading.

[The principal features of this bill are as follows: the capital to consist of fifty millions of dollars, payable, twenty millions in Treasury notes, fundable at the pleasure of the Government in stock to bear an interest of six per cent.; fifteen millions in any public stock bearing six per cent. interest; five millions in specie; and ten millions to be subscribed by the Government in stock bearing an interest of four per cent. per annum; the Government to have the capacity to borrow thirty millions of the bank at six per cent. interest; the directors not to be obliged to pay specie until the last payment on the stock shall be completed; and, upon the petition of the directors, the Government may introduce any regulation which shall be thought proper in regard to the specie payments of the bank; the subscriptions to be open on the first Monday in April, at which time the first payment of one-fifth of the whole amount of subscription shall be payable, and the remaining four-fifths in four quarter-yearly instalments; the bank to go into operation as soon as twenty millions are

thus paid in. The directors for the first year are named in the bill.]

FRIDAY, February 10.

Bank of the United States—Second Bill.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to incorporate the subscribers to the Bank of the United States of America.

And the bill having been amended, the President resumed the Chair, and Mr. ANDERSON reported the bill to the House accordingly; and the amendments made in Committee of the Whole were concurred in.

On the question, "Shall this bill be engrossed and read a third time as amended?" it was determined in the affirmative—yeas 18, nays 15, as follows:

YEAS.—Messrs. Anderson, Barbour, Barry, Bibb, Chace, Condit, Howell, Kerr, Lacock, Morrow, Roberts, Robinson, Smith, Talbot, Tait, Turner, Varnum, and Wharton.

NAYS.—Messrs. Brown, Daggett, Dana, Fromentin, Gaillard, German, Giles, Goldsborough, Gore, Hunter, King, Lambert, Mason, Thompson, and Wells.

MONDAY, February 13.

Defence of New Orleans.

Mr. GILES, from the Committee on Military Affairs, reported the following resolutions, which were read and passed to the second reading:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and they are hereby, given to Major General Jackson, and through him to the officers and soldiers of the regular army, of the militia, and the volunteers, under his immediate command, for their uniform gallantry and good conduct, conspicuously displayed against the enemy from the time of his landing before New Orleans, until his final expulsion therefrom; and particularly for their distinguished gallantry, skill, and good conduct, on the 8th of January last, in repulsing, with great slaughter, a numerous British army of chosen veteran troops, when attempting, by a bold and daring attack, to storm and carry the works hastily thrown up for the defence of New Orleans, and by obtaining a most signal and complete victory over the enemy, with a disparity of loss, on his part, unexampled in military annals.

Resolved, That the President of the United States be requested to cause to be struck a gold medal, with devices emblematical of this splendid achievement, and presented to Major General Jackson, as a testimony of the high sense entertained by Congress of the judicious and distinguished part he acted on this glorious and memorable occasion.

Resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major General Jackson, in such terms as he may deem best calculated to give effect to the objects thereof.

Mr. GILES, from the same committee, also reported the following resolutions, which were read and passed to the second reading:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress entertains a high sense of the patriotism, fidelity, zeal, and courage, with which the people of Louisiana promptly and unanimously stepped forth, under circumstances of imminent danger from a powerful invading army, in defence of all the individual, social, and political rights held dear by man. Congress declare and proclaim, that the brave Louisianians deserve well of the whole people of the United States.

Resolved, That Congress entertain a high sense of the generosity, benevolence, and humanity displayed by the people of New Orleans, in voluntarily affording the best accommodations in their power, and giving the kindest attentions to the wounded, not only of our own army, but also to the wounded prisoners of a fallen though vindictive foe.

Resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to his Excellency the Governor of Louisiana, accompanied with the request that he cause the greatest possible publicity to be given to them for the information of the whole people of Louisiana.

Honors to Commodore Patterson and Major Carmick.

Mr. TAIT, from the Committee on Naval Affairs, reported the following resolutions, which were read and passed to a second reading:

Resolved, That Congress entertain a high sense of the valor and good conduct of Commodore D. T. Patterson, of the officers, petty officers, and seamen, attached to his command, for their prompt and efficient co-operation with General Jackson in the late gallant and successful defence of the city of New Orleans, when assailed by a powerful British force.

Resolved, That Congress entertain a high sense of the valor and good conduct of Major Daniel Carmick, of the officers, non-commissioned officers, and marines under his command, in the defence of the said city, on the late memorable occasion.

TUESDAY, February 14.

The resolutions expressive of the thanks of Congress to Major General Jackson, and the troops under his command, for their gallantry and good conduct in the defence of New Orleans, were read the second time, and considered as in Committee of the Whole, and amended; and the President reported them to the House accordingly.

On the question, "Shall these resolutions be engrossed and read a third time as amended?" It was determined in the affirmative.

The resolutions expressive of the high sense entertained by Congress of the patriotism and good conduct of the people of Louisiana and New Orleans, during the late military operations before that city, were read the second time and considered as in Committee of the Whole; and, having been amended, the President reported them to the House accordingly.

On the question, "Shall these resolutions be engrossed and read a third time as amended?" it was determined in the affirmative.

The resolutions expressive of the high sense entertained by Congress of the gallantry and good conduct of Commodore D. T. Patterson, Major D. Carmick, and of the officers, seamen, and marines under their command, in the defence of New Orleans, were read the second time, and considered as in Committee of the Whole; and, no amendment having been proposed, on the question, "Shall these resolutions be engrossed and read a third time?" it was determined in the affirmative.

WEDNESDAY, February 15.

Defence of New Orleans.

The resolutions expressive of the high sense entertained by Congress of the patriotism and good conduct of the people of Louisiana and of New Orleans, during the late military operations before that city, having been reported by the committee correctly engrossed, were read a third time as amended, and having been further amended by unanimous consent, passed unanimously, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress entertain a high sense of the patriotism, fidelity, zeal, and courage, with which the people of the State of Louisiana promptly and unanimously stepped forth, under circumstances of imminent danger, from a powerful and invading army, in defence of all the individual, social, and political rights, held dear by man. Congress declare and proclaim, that the brave Louisianians deserve well of the whole people of the United States.

Resolved, That Congress entertain a high sense of the generosity, benevolence, and humanity, displayed by the people of New Orleans, in voluntarily affording the best accommodations in their power, and giving the kindest attentions to the wounded, not only of our own army, but also to the wounded prisoners of a vanquished foe.

Resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to his Excellency the Governor of Louisiana, accompanied with a request that he cause the greatest possible publicity to be given to them for the information of the whole people of Louisiana.

The resolutions expressive of the high sense entertained by Congress of the gallantry and good conduct of Commodore D. T. Patterson and Major D. Carmick, and of the officers, seamen, and marines under their command, in the defence of New Orleans, having been reported by the committee correctly engrossed, were read a third time, and passed unanimously.

The resolutions expressive of the thanks of Congress to Major General Jackson, and the troops under his command, for their gallantry and good conduct in the defence of New Orleans, having been reported by the committee correctly engrossed, were read a third time as amended, and passed unanimously, as follows:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and they are hereby, given to Major General Jackson, and,

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through him, to the officers and soldiers of the regular army, of the militia, and of the volunteers under his immediate command, and to the officers and soldiers charged with the defence of Fort St. Philip, for their uniform gallantry and good conduct, conspicuously displayed against the enemy, from the time of his landing before New Orleans until his final expulsion from the State of Louisiana, and particularly for their valor, skill, and good conduct, on the 8th of January last, in repulsing, with great slaughter, a numerous British army of chosen veteran troops, when attempting, by a bold and daring attack, to storm and carry the works hastily thrown up for the defence of New Orleans, and thereby obtaining a most signal and complete victory over the enemy, with a disparity of loss on his part unexampled in military annals.

Resolved, That the President of the United States be requested to cause to be struck a gold medal, with devices emblematical of this splendid achievement, and presented to Major General Jackson, as a testimony of the high sense entertained by Congress, of his judicious and distinguished conduct on that memorable occasion.

Resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major General Jackson, in such terms as he may deem best calculated to give effect to the objects thereof.

When the above resolutions were under consideration, Mr. Brown, of Louisiana, addressed the Chair, as follows:

Mr. President: Having the honor to represent the State which has been the theatre of the events which it is the object of these resolutions to commemorate, it might be considered an evidence of great insensibility on my part, did I not rise for the purpose of expressing my most hearty approbation of them.

The reflecting mind, in reviewing the eventful measures by which the people of Louisiana have been conducted from a position of extreme peril to a state of perfect security, is irresistibly led to acknowledge the protecting hand of an all-wise and beneficent Providence, whose dispensations it is our duty, in grateful humility, to reverse.

The richest reward which a nation can bestow on its distinguished benefactors, is to be found in the unanimous expression of a nation's gratitude. On no occasion has the united voice of national feeling been more distinctly heard, than on that which is the subject of our present deliberations. The measures adopted by General Jackson for the protection of Louisiana, and their happy results, have been succinctly detailed in his own simple, perspicuous, and modest narrative. It is not now necessary to recapitulate the facts. It is enough that we fix our admiring eyes on their fortunate results. If to disconcert the gigantic plans of the enemy—to disappoint his extravagant expectations—to humble his pride—to destroy a part of his hitherto invincible army—to expel them from our soil, and save a State to the Union, and to accomplish all with a comparative loss unexampled in military annals, can entitle a brave gen-

eral and a gallant army to the thanks of a generous people, then are General Jackson and his followers entitled to the wreath prepared for them by these resolutions. I shall not follow the deliverer of Louisiana through the blaze of battle and the shouts of victory; I am not so weak as to believe that my feeble voice can add lustre to deeds like his—"to deeds without a name." The tears of admiration and gratitude which moisten every eye whilst surveying scenes like these, admonish me, that it is best to indulge in the silent sentiment of unutterable joy.

The army of General Jackson was principally composed of militia corps, a species of force hitherto not considered as the most efficient, which had been hastily collected from the States of Kentucky, Tennessee, Louisiana, and the Mississippi Territory. It is equally honorable to these soldiers, and to their commander, that no jealousies or dissensions disturbed the harmony of their camp, and that all united in facing the foe with a courage, an energy, and enthusiasm, rarely witnessed in an army of veteran troops. All were animated by the same soul, and the only contest which existed among them was, who should be foremost in the hour of danger.

The citizens of Kentucky, since the commencement of our present struggle, have obtained a character so elevated for patriotism and devotion to the best interests of their country, that it can receive no additional lustre from any expressions I can employ. The State of Tennessee has exalted claims to the approbation of the nation. To that State we are indebted for the safety of our country when threatened by our savage neighbors, and the part which her citizens have acted on the late ever memorable occasion, will afford to their latest posterity a rich repast in the page of impartial history. One-third of the militia of the State, having no exposed frontier to protect, and threatened by no immediate danger, cheerfully left their friends and their families and flew to the assistance of Louisiana. Generous people! on behalf of those you have succored in the hour of peril, I thank you—from my heart I thank you!

Reflect, Mr. President, on the rapid march of General Coffee and his volunteers to Mobile, to Pensacola, to New Orleans, a distance of more than one thousand miles. Consider the difficulties of the route, and you will admire the perseverance of the commander, and the patience and discipline of his troops, as much as you will applaud the undaunted bravery they displayed on the memorable 8th of January. See the brave and indefatigable Carroll descending the Mississippi with an army of three thousand men, and accomplishing his voyage in a space of time considered too short to enable the greedy speculator, in search of a market, to conduct a single ark to the same point of destination. It is to such men, and to such exertions as these, that Louisiana is indebted for her safety, and so long as gratitude

shall be considered a virtue, shall these brave men be held in grateful remembrance.

On so much of these resolutions, and other resolutions now under consideration, as relate to the militia and people of Louisiana, it would not, perhaps, become me to enlarge. Attached, as I feel myself, to the generous people of that State, by the recollection of a thousand proofs they have given me of their kindness and confidence, I could not profess to be their impartial eulogist. That their conduct on the late trying emergency has been such, as not only to fulfil the predictions of their friends, and efface the unfavorable prejudices of those who until now were strangers to their true character, but also to receive the approbation of the nation, is to me a source of inexpressible pleasure.

Mr. President, I fondly hope that the dawn of peace is about to break upon our beloved country. Cheered by its benignant rays we look into futurity, and calculate the influence which the recent events at New Orleans may have upon the destinies of this nation. To foreign powers, the lesson taught by them will be full of instruction. From the fate of a powerful army invading a portion of our country, hitherto considered the most assailable, they will learn that freemen, impressed with a sense of the value of their rights, and armed in defence of their own soil, are invincible. At home, the effects of these brilliant achievements will be salutary and beneficent. Should the inhabitants of any portion of this Union, from incorrect sources of information, have received impressions unfriendly to the character of the people of Louisiana, let them reflect on the events of the 8th of January, and those impressions will be completely obliterated. The ties of interest and of affection, which have long attached the Western States to Louisiana, have now become indissoluble. The purple stream of their best blood has united and mingled in the same channel, and has at once cemented their union and that of their country.

Mr. FROMENTIN, of Louisiana, addressed the Chair, as follows:

Mr. President: The resolutions now under consideration seem to call for a few remarks from those who have the honor to represent on this floor the country upon whose inhabitants the mark of signal favor contemplated by the resolutions is now proposed to be conferred. It would ill become me on this occasion to affect a vain modesty, equally injurious to the virtues which have deserved, and to the generous discernment which is going to bestow approbation.

Mr. President, we have often been called upon, since the beginning of this war, to give thanks to the intrepidity of our military leaders, and the undaunted bravery of their troops. We have just now, by a unanimous vote, awarded the same tribute to Jackson and to his followers. To Jackson—this name henceforth wants none of the meretricious epithets of courtesy—to Jackson, whose laurels on the

ever-memorable 8th of January will adorn the fairest page of American military history:—to Jackson, whose unheard-of achievements, having no precedents in the past, seem to bid defiance to the future. Through this beloved General we gave the same unanimous thanks to his followers. I will not, sir, give them the surname of invincibles; be it enough for their glory, that they have proved to the world that if, until they landed in Louisiana, the soldiers of Lord Wellington had been unconquered, they were not unconquerable.

Sir, with heartfelt gratitude I joined in the vote just given in honor of those valiant men. Let us now pass from the review of the brilliant and exterminating virtues exhibited on the field of battle, to the contemplation of the modest and saving virtues exhibited in the city of New Orleans.

So far had the campaign in Florida been prolonged beyond the time contemplated at its beginning, that winter was threatening, before the Tennessee militia, under General Coffee, hastily collected for a summer expedition, were disbanded, to be recalled again under the banners of their country before they had reached their homes, in order to defend a distant State against the invasion of an enemy more numerous and more formidable than the enemy they had subdued. So ardent and so anxious was the zeal of our Tennessee and Kentucky brethren, headed by Carroll, Thomas, and Adair, that, regardless of the inclemencies of the approaching season, they listened to no voice but the voice of their invaded country; they were sensible of no want, but the want of meeting the enemy.

Already had the Mississippi received the brave, who were destined to add such a celebrity to its fame; already had its rapid current brought them within a short distance of the spot polluted with the foot of an invading foe; when a more terrible enemy than the one they were ready to encounter had nearly overcome them.

Frost, threatened in his long enjoyed empire over the Northern Lakes of America, made an effort in December last to establish his empire over the mouth as it has usurped it over the head of the Mississippi.* Not far from the tropics the ruthless invader shook his icy bristles; for a few days the mouths of our creeks were sealed up by the tyrant; but assistance was at hand from above. This winter, Mr. President, was fertile with prodigies. A genial sun had arisen in the West, whose powerful and revivifying rays soon expelled the monster, and compelled him to fly back to his uncontrolled patrimonial haunts in the caverns of the Lakes, and in the recesses of the wildernesses of Canada—a forerunner, Mr. President, of the fate which in a few days was to befall his co-invader and British ally. Have

* It is a fact, not less true than extraordinary, that, on the 23d December last, when the St. Lawrence and the Northern Lakes were quite free from ice, the Bayou St. John, behind the city of New Orleans, was frozen over.

FEBRUARY, 1815.]

Treaty of Peace.

[SENATE.]

I, Mr. President, in attempting to give you an idea of a natural phenomenon in Louisiana, given you a true picture of the real scenes which, in the mean time, were acting on that interesting theatre?

Yet, during the temporary reign of the tyrant, our soldiers, for the reasons above stated, unprepared to withstand his attacks, were suffering severely. Are those brave men who have sacrificed every thing to run to the relief of their distant friends, to be doomed to fall a victim to their own generosity? Forbid it humanity, forbid it patriotism, forbid it gratitude!

I wish, Mr. President, I had it in my power to delineate with proper colors the interesting spectacle which New Orleans exhibited in those distressing days. Not a man unengaged in repelling the enemy, not a woman not affording the most zealous assistance and co-operation in preparing clothing and every other necessary comfort for their protectors! Accompany me, Mr. President, within those walls, a few days ago the asylum of hundreds of young females, taught by the precepts and by the examples of their pious and respectable mistresses all the virtues and all the accomplishments, which are soon to be the ornaments of society. How changed is the scene! Those grates, never before opened but to Religion, are now thrown open for the reception of suffering, of bleeding humanity! Under the pious direction of their respectable religious chief, the nunnery of New Orleans is converted into a hospital for our sick and wounded! The holy flame spreads with rapidity! Every soldier in a distant land has found a brother! Every sick individual has found a family!

Mr. President, I rejoice that the resolution reported by the honorable Chairman of the Military Committee embraces the cases I have briefly alluded to. Sir, valor is the natural growth of every clime of this extensive empire. Even in the very few actions during this war in which victory did not perch on our banners, as evinced by a late celebrated case connected with the capture of this city, scrutinizing justice has pronounced that examples of conspicuous individual bravery have not been wanting. I shall always be proud of the opportunity afforded to pay to courage the just tribute due to it by a grateful people. But when it is right thus to encourage valor, can it be wrong to encourage humanity? Valor, Humanity—Inseparable sisters! The first has delivered our country from an invading foe—the second has healed the wounds of a bleeding friend, and of a bleeding enemy—since no longer with arms in their hands, to be treated as a friend. Both united will continue to secure to our arms the favor of an avenging and merciful God, and will wreathe from a vanquished enemy, and obtain from an admiring world, the applause due to a conqueror terrible in battle—in victory merciful.

FRIDAY, February 17.

Treaty of Peace.

The following Message was received from the
PRESIDENT OF THE UNITED STATES:

*To the Senate and House of**Representatives of the United States:*

I lay before Congress copies of the Treaty of Peace and Amity between the United States and His Britannic Majesty, which was signed by the commissioners of both parties at Ghent, on the 24th of December, 1814, and the ratifications of which have been duly exchanged.

While performing this act, I congratulate you, and our constituents, upon an event which is highly honorable to the nation, and terminates with peculiar felicity, a campaign signalized by the most brilliant successes.

The late war, although reluctantly declared by Congress, had become a necessary resort to assert the rights and independence of the nation. It has been waged with a success which is the natural result of the wisdom of the Legislative councils, of the patriotism of the people, of the public spirit of the militia, and of the valor of the military and naval forces of the country. Peace, at all times a blessing, is peculiarly welcome, therefore, at a period when the causes for the war have ceased to operate; when the government has demonstrated the efficiency of its powers of defence; and when the nation can review its conduct without regret and without reproach.

I recommend to your care and beneficence the gallant men whose achievements, in every department of the military service, on the land and on the water, have so essentially contributed to the honor of the American name, and to the restoration of peace. The feelings of conscious patriotism and worth will animate such men under every change of fortune and pursuit; but their country performs a duty to itself, when it bestows those testimonials of approbation and applause which are at once the reward and the incentive to great actions.

The reduction of the public expenditures to the demands of a peace establishment will doubtless engage the immediate attention of Congress. There are, however, important considerations which forbid a sudden and general revocation of the measures that have been produced by the war. Experience has taught us that neither the pacific dispositions of the American people, nor the pacific character of their political institutions, can altogether exempt them from that strife which appears, beyond the ordinary lot of nations, to be incident to the actual period of the world; and the same faithful monitor demonstrates that a certain degree of preparation for war is not only indispensable to avert disasters in the onset, but affords also the best security for the continuance of peace. The wisdom of Congress will, therefore, I am confident, provide for the maintenance of an adequate regular force; for the gradual advancement of the Naval Establishment; for improving all the means of harbor defence; for adding discipline to the distinguished bravery of the militia; and for cultivating the military art, in its essential branches, under the liberal patronage of government.

The resources of our country were, at all times, competent to the attainment of every national object; but they will now be enriched and invigorated by the activity which peace will introduce into all the scenes

of domestic enterprise and labor. The provision that has been made for the public creditors, during the present session of Congress, must have a decisive effect in the establishment of the public credit, both at home and abroad. The reviving interests of commerce will claim the legislative attention at the earliest opportunity; and such regulations will, I trust, be seasonably devised as shall secure to the United States their just proportion of the navigation of the world. The most liberal policy towards other nations, if met by corresponding dispositions, will, in this respect, be found the most beneficial policy towards ourselves. But there is no subject that can enter with greater force and merit into the deliberations of Congress, than a consideration of the means to preserve and promote the manufactures which have sprung into existence, and attained an unparalleled maturity throughout the United States during the period of the European war. This source of national independence and wealth, I anxiously recommend, therefore, to the prompt and constant guardianship of Congress.

The termination of the legislative sessions will soon separate you, fellow-citizens, from each other, and restore you to your constituents. I pray you to bear with you the expressions of my sanguine hope, that the peace which has been just declared will not only be the foundation of the most friendly intercourse between the United States and Great Britain, but that it will also be productive of happiness and harmony in every section of our beloved country. The influence of your precepts and example must be every where powerful: and while we accord in grateful acknowledgments for the protection which Providence has bestowed upon us, let us never cease to inculcate obedience to the laws and fidelity to the Union, as constituting the palladium of the national independence and prosperity.

JAMES MADISON.

WASHINGTON, February 18, 1815.

The Message was read, and five hundred copies thereof, together with five hundred copies of the treaty therein referred to, were ordered to be printed for the use of the Senate.

WEDNESDAY, February 22.

Presidential Message—Navigation of American Vessels exclusively by American Citizens, Native, or already Naturalized.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

Peace having happily taken place between the United States and Great Britain, it is desirable to guard against accidents, which, during periods of war in Europe, might tend to interrupt it; and it is believed, in particular, that the navigation of American vessels exclusively by American seamen, either natives or such as are already naturalized, would not only conduce to the attainment of that object, but also to increase the number of our seamen, and consequently, to render our commerce and navigation independent of the service of foreigners, who might be recalled by their Governments, under circumstances the most inconvenient to the United States. I recommend the subject, therefore, to the consideration

of Congress, and, in deciding upon it, I am persuaded that they will sufficiently estimate the policy of manifesting to the world a desire, on all occasions, to cultivate harmony with other nations, by any reasonable accommodations which do not impair the enjoyment of any essential rights of a free and independent people. The example on the part of the American Government will merit, and may be expected to receive, a reciprocal attention from all the friendly powers of Europe.

JAMES MADISON.

WASHINGTON, Feb. 25, 1815.

The Message was read, and referred to the Committee on Foreign Relations, to consider and report thereon by bill or otherwise.

WEDNESDAY, March 1.

Reward to Tobias Simpson, a Colored Man, Messenger to the Senate.

Mr. LACOCK submitted the following resolution, which was read, and passed to the second reading:

Resolved, That the Secretary of the Senate pay, out of the contingent fund of the Senate, to Tobias Simpson, two hundred dollars, in consideration of his uniform good conduct, and particularly for his exertions to save the public property in the Capital both before and after the destruction thereof by the enemy.

The resolution last mentioned was read the second time, by unanimous consent, and considered as in Committee of the Whole; and no amendment having been proposed thereto, on the question, "Shall this resolution be engrossed and read a third time?" it was determined in the affirmative; and the resolution was then read a third time by unanimous consent, and passed.

THURSDAY, March 2.

Sale of Captured Negroes.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report from the acting Secretary of State, complying with their resolution of the 24th of October last. JAMES MADISON.

WASHINGTON, February 28, 1815.

The Message and report therein referred to were read, and ordered to be printed.

The report is as follows:

DEPARTMENT OF STATE, Feb. 28, 1815.

The undersigned, acting as Secretary of State, to whom was referred the resolution of the Senate of the 24th of October last, requesting the President of the United States to lay before the Senate, (provided he shall not consider the same improper to be communicated,) the proof of any traffic carried on in the West Indies, by the sale of negroes taken from the United States, by the British forces since the present war, has the honor to state, that such proof was transmitted to the Executive by the Hon. St. George Tucker, in the form of an affidavit of Captain Williams, from which it appeared that he had been a prisoner in the Bahama islands, and that while there, he had been pres-

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Sale of Captured Negroes.

[SENATE.]

ent at the sale of negroes taken from the vicinity of Norfolk and Hampton. This affidavit, voluntarily given, and strengthened and corroborated by a variety of circumstances, was considered at the time as full proof of the fact, and was transmitted to our Ministers at Ghent. When the resolution of the Senate was transmitted to this Department, application was made to Judge Tucker, and subsequently to Major Griffin, for the original affidavit, or for an authenticated copy; as neither have yet been received, and as it is deemed improper longer to delay this report, the undersigned begs leave to refer to the accompanying papers, marked 1, 2, 3, and 4, from which the material facts stated in the affidavit may be collected, and the circumstances which have prevented its transmission to this Department explained. This subject will be further investigated with a view to place it, in all its circumstances, in the most satisfactory light.

All which is respectfully submitted,

JAS. MONROE.

No. 1.

RICHMOND, November 24, 1814.

SIR: I do myself the honor to enclose you a letter from my friend, Mr. Cabell, and one from Mr. John Tabb Smith, the magistrate before whom the affidavit was made, a copy of which I transmitted to the President. Mr. Campbell has written to Major Griffin to endeavor to procure the original, and if he should fortunately obtain it, I will lose no time in forwarding it to you.

I have the honor to be, very respectfully, sir, your most obedient servant,

ST. G. TUCKER.

JOHN GRAHAM, Esq.,

Department of State, Washington.

No. 2.

Copy of a letter from Joseph C. Cabell, Esq., to the Hon. St. George Tucker, dated.

RICHMOND, Nov. 22, 1814.

MY DEAR SIR: I have received your favor of the 14th instant, embracing an extract from the letter recently written to you by Mr. Graham, of the Department of State, on the subject of the resolution of the Senate of the United States, of the 24th ultimo.

I distinctly recollect all the material circumstances in regard to the copy of the affidavit, which you forwarded to the President. About the period that Major Thomas Griffin, of York, went on board the British squadron in Lynnhaven Bay, for the purpose of endeavoring to recover his negroes, who had gone off to the enemy, I happened to be in Williamsburg. The destination of the slaves that had been taken or received by the British, was then a subject of curiosity and concern throughout the lower country. I understood that a seafaring man, of the name of Williams, who had been a prisoner with the enemy, and had recently arrived at Hampton, had gone in company with Major Thomas Griffin, of York, before John Tabb Smith, a respectable magistrate of the county of Elizabeth City, and had made oath that, while a prisoner on one of the Bahama islands, he had been present at the sale of the negroes that had been carried off from the vicinity of Hampton and Norfolk; that the negroes were sold at a high price, and that a negro carpenter from Norfolk was purchased for a thousand dollars. Several gentlemen of the first respectability, who had conversed with Ma-

jor Griffin, informed me that he spoke of Williams as a man whose appearance entitled him to credit, and that he had, accordingly, published the affidavit in the town of York. Through the medium of Mr. Coke, of Williamsburg, I procured a copy of this paper, which I handed to you, and was forwarded by you to the President. This affidavit was a subject of general conversation about that time. The circumstances under which Williams arrived at Hampton; the manner in which he described the negroes sold in the Bahamas, and particularly the carpenter from Norfolk, and the appearance of entire sincerity in his narrative, left no doubt, I was assured, on the mind of either Mr. Smith or Major Griffin, that the alleged sale had actually taken place. I did not see Major Griffin, nor did I inquire what he intended to do with the original affidavit of Williams; my conjecture was, that he would send it on to the committee of Congress, charged with the business of collecting proofs of the barbarous conduct of the war by the enemy. As it seems he has not done so, I presume it remains in his possession. I will write immediately to him, with the view of ascertaining whether this be the fact; and, if it be, to request the favor of him to enclose me the affidavit. The result of my inquiries of that gentleman shall be made known to you without delay.

In the interim, I remain most respectfully and sincerely, yours, &c.,

JOSEPH C. CABELL.

No. 3.

Copy of a letter from John Tabb Smith, Esq., to Judge Tucker, dated

HAMPTON, Nov. 21, 1814.

SIR: Your favor I have now before me. Some time in the year 1813, there came before me a Captain Williams (I think his name was) in company with Major Thomas Griffin, of York, with the affidavit you speak of in your letter, which he swore to before me, and I gave my certificate thereto; I then gave the affidavit to Major Griffin, and expected to see it published in one of the Richmond papers, but never heard of it since; but from your letter, I expect the original can be got from Major Griffin. But, if it is mislaid, I well recollect the substance of the affidavit, and will render you any service in my power.

I am, with respect,

JOHN TABB SMITH.

If it can be got from Major Griffin, it had better be in the Captain's own words, with my certificate.

ST. GEORGE TUCKER, Esq., &c.

J. T. S.

No. 4.

YORK, (VA.) February 16, 1815.

SIR: Your favor of the 6th instant has been received. I have examined my papers and cannot find the original affidavit of Captain Williams, therein alluded to. The copy I gave Mr. Cabell was literally correct; the original has been mislaid, or I fear lost in the bustle of moving papers from hence so frequently as has been done, to place them without the reach of the enemy during the war. I will again examine and endeavor to recover the affidavit, and will forward the same to the Department of State as soon as it shall be recovered.

Very respectfully, I am, sir, your obedient servant,
JOHN GRAHAM, Esq.,
Department of State, Washington.

Sketch of Plunder, by Admiral Cockburn and his officers, on St. Simon's Island, during his late visit there.

[From the Savannah Republican.]

Major Butler—Two hundred negroes; ten bales of cotton; a quantity of seed cotton; his iron, new and old; leather, tanned and half tanned; stock of wine, liquors, soap, candles, and poultry; plate, and stock-buckle, stolen by an officer named Horton.

John Couper—Eighty negroes, forty-eight of them prime fellows, some of them tradesmen; ten bales of cotton.

Dr. Grant—One negro woman; four bales cotton; all his furniture destroyed; gins spoiled in trying to gin cotton.

A. C. Wylly—Forty-six of the primest of his negroes; no cotton.

J. H. Geckoe—Eleven negroes; a pair of razors, and part of a barrel of flour, stolen by Lieutenant De Thierry.

W. McIntosh—Five negroes; twelve bales ginned, and some unginned cotton.

James Hamilton—One hundred and eighty-two negroes; only one old man left on his place, and he mad; twenty-five bales cotton—about eighteen ginned by themselves; all his plantation stores, medicines, tools, paint pots, old iron, and gin boxes; some hand-saw files, pocketed by the Commander-in-chief, Ramsay; carpet, library, and a pair of pistols, stolen by Cole, who commanded the land forces; a beautiful fowling piece stolen by Horton, the same officer who stole Major Butler's spoons and stock-buckle.

E. Matthews—Twenty-six negroes; seven bales cotton.

Mrs. Brailsford—House broken open, and robbed by a boat's crew under command of a Lieutenant Grant—some of Mrs. Brailsford's and Mrs. Troup's clothes were bought for ten dollars from the thieves by Lieutenant Locke, commanding His Britannic Majesty's brig Manly.

Mr. Abbott—Although they made headquarters of his house and lived on him only now and then, bringing in some plundered mutton, poultry, flour, and liquor, lost the contents of his store, and had the quicksilver scraped from the back of all the broken looking glasses in the house.

In Secret Session.

The bill from the House of Representatives, entitled "An act for the protection of the commerce of the United States against the Algerine cruisers," was read the third time.

On the question, "Shall this bill pass?" it was determined in the affirmative—yeas 27, nays 2, as follows:

YEAS.—Messrs. Barbour, Barry, Bibb, Brown, Chace, Daggett, Dana, Fromentin, Gaillard, Giles, Gore, Horsey, Hunter, Kerr, King, Lacock, Morrow, Robinson, Smith, Talbot, Tait, Taylor, Thompson, Turner, Varnum, Wells, and Wharton.

NAYS.—Messrs. Goldsborough and Lambert.

Resolved, That a committee be appointed to notify the House of Representatives, confidentially, that the Senate have passed the said bill.

Ordered, That Messrs. FROMENTIN and GOLDSBOROUGH be the committee.

FRIDAY, March 8.

Retaliating System.

Mr. BIBB, from the Committee on Foreign Relations, to whom was referred the Message of the President of the United States, of the 26th of September last, respecting the unauthorized mode of warfare adopted by the enemy, on the plea of retaliation, made a report; which was read, and ordered to be printed.

The report of the committee is as follows:

That, although the war has happily terminated, they deem it important to rescue the American Government from unworthy imputations, with which it has been assailed during its progress. They have, therefore, endeavored to ascertain, whether the destruction of York, in Upper Canada, and the other cases assumed by our late enemy, as authorizing a departure from the settled rules of civilized warfare, were of a character to justify or extenuate their conduct.

The result of the inquiries of the committee, manifesting to the world that the plea which has been advanced for the destruction of the American Capitol, and the plunder of private property, is without foundation, will be found in the communications of the Secretaries of the Departments of War and Navy, and of General Dearborn, commander of the American forces, in the attack on York, herewith submitted.

DEPARTMENT OF STATE, Feb. 28, 1815.

SIR: I have had the honor to receive your letter, requesting, on behalf of the Committee of Foreign Relations, any information which this Department possesses, relative to the misconduct that has been imputed to the American troops in Upper Canada during the late war, and in reply, I have the honor to state, that the charges appear to be confined to three: 1st, the alleged burning of York; 2d, the burning of Newark; and 3d, the burning of the Indian villages, usually called the Moravian towns.

1st. The burning of York, or of any of its public edifices, or of any of its private houses, has never been presented to the view of the American Government by its own officers, as matter of information; and it never was exhibited by the British Government, or any of its officers, as matter of complaint, until it was asserted in the address of the Governor in Chief to the Provincial Parliament of Canada, on the 24th of January, 1815, "that, as a just retribution, the proud Capitol at Washington has experienced a similar fate to that inflicted by an American force on the Seat of Government in Upper Canada." This assertion having led to an inquiry, I am enabled, from official documents and general information, to state the following facts of the case, for the information of the committee:

The town of York in Upper Canada was taken by the American Army, under the command of General Dearborn, on the 27th of April, 1813, and it was evacuated on the succeeding 1st of May; although it was again visited for a day, by an American squadron, under the command of Commodore Chauncey, on the 4th of August. At the time of the capture, the British troops on their retreat set fire to their magazine, and great injury was done by the explosion to property, as well as to persons within the range of its effects. At the time of the capture, as well as at the time of Com-

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[SENATE.]

modore Chauncey's visit, the public stores were seized, and the public storehouses were destroyed; but the destruction of public edifices for civil uses, or of private property, was not only unauthorized, but, positively forbidden, by the American commanders; and it is understood that no private house was destroyed by the American troops. It has recently, however, appeared, that a public building of little value, called the Parliament House, (not the Government House,) in which it is said that an American scalp was found as a part of the decoration of the Speaker's Chair, had been burnt; whether it was so, and if it was, whether it was an accidental consequence of the confusion, in which the explosion of the magazine involved the town, or the unauthorized act of some exasperated individual, has not been ascertained. The silence of the military and civil officers of the Provincial Government of Canada seems to indicate that the transaction was not deemed, when it occurred, a cause either for retaliation or reproach.

2d. The burning of Newark, adjacent to Fort George, occurred on the 10th of December, 1813. The act was vindicated by the American General, as necessary to his military operations; but as soon as the American Government heard of it, instructions, dated the 6th of January, 1814, were given by the Department of War, to Major General Wilkinson, "to disavow the conduct of the officer who committed it, and to transmit to Governor Prevost a copy of the order under color of which that officer had acted." This disavowal was accordingly communicated, and on the 10th of February, 1814, Governor Prevost answered, "that it had been with great satisfaction he had received the assurance that the perpetration of the burning of the town of Newark was both unauthorized by the American Government and abhorrent to every American feeling; that if any outrages had ensued the wanton and unjustifiable destruction of Newark, passing the bounds of just retaliation, they were to be attributed to the influence of irritated passions, on the part of the unfortunate sufferers by that event, which, in a state of active warfare, it had not been possible altogether to restrain, and that it was as little congenial to the disposition of his Majesty's Government, as it was to that of the Government of the United States, deliberately to adopt any plan of policy which had for its object the devastation of private property."

But the disavowal of the American Government was not the only expiation of the unauthorized offence committed by its officer; for the British Government undertook itself to redress the wrong. A few days after the burning of Newark, the British and Indian troops crossed the Niagara for this purpose; they surprised and seized Fort Niagara; they burnt the villages of Lewistown, Manchester, Tuscarora, Buffalo, and Black Rock, desolating the whole of the Niagara frontier, and dispersing the inhabitants, in the extremity of the winter. Sir George Prevost himself appears to have been satisfied with the vengeance that had been inflicted; and, in his proclamation of the 12th of January, 1814, he expressly declared, that for the burning of Newark, "the opportunity of punishment had occurred; that a full measure of retaliation had taken place, and that it was not his intention to pursue further a system of warfare so revolting to his own feelings, and so little congenial to the British character, unless the future measures of the enemy should compel him again to resort to it." With his answer to Major General Wilkinson, which has

been already noticed, he transmitted a copy of the proclamation, "as expressive of the determination as to his future line of conduct," and added, "that he was happy to learn that there was no probability that any measures, on the part of the American Government, would oblige him to depart from it."

3d. The places usually called the Moravian towns, were mere collections of Indian huts and cabins, on the river Retrench or Thames, not probably worth, in the whole, one thousand dollars. The Indians who inhabited them, among whom were some notoriously hostile to the United States, had made incursions the most cruel into their territory. When, therefore, the American Army under General Harrison invaded Canada, on the — of — 1813, the huts and cabins of the hostile Indians were destroyed. But this species of warfare has been invariably pursued, by every nation engaged in war with the Indians of the American continent. However it may be regretted on the score of humanity, it appears to be the necessary means of averting the still greater calamities of savage hostilities; and it is believed that the occurrence would never have been made the subject of a charge against the American troops, if the fact had not been misrepresented or misunderstood. Many people at home, and most people abroad, have been led to suppose that the Moravian towns were the peaceable settlements of a religious sect of Christians, and not the abode of a hostile tribe of savages. I have the honor to be, &c.,

JAMES MONROE.

HON. WILLIAM W. BIBB,
Chairman Com. Foreign Relations.

NAVY DEPARTMENT, Feb. 18, 1815.

SIR: In compliance with the request of the committee of the Senate, communicated to me by your note of the 14th current, I have the honor to transmit to you, herewith, extracts from the letters of Commodore Chauncey to the Secretary of the Navy, on the subject of destroying the public store-houses and stores at York, in Upper Canada, and which is all the information in this Department on that subject.

I have the honor to be, very respectfully, sir, your obedient servant,

B. W. CROWNINSHIELD.

HON. WM. W. BIBB,
Chairman Committee, &c.

Extract of a letter from Commodore Isaac Chauncey to the Secretary of the Navy, dated off York, U. C., April 20, 1813.

"The enemy set fire to some of his principal stores, containing large quantities of naval and military stores, as well as a large ship upon the stocks, nearly finished."

From the same to the same, dated off Niagara, August 4, 1813.

"In the evening of the 30th ultimo, we weighed and stood for York, arrived and anchored in that harbor at about 8 P. M.; on the 31st ran the schooners into the upper harbor, landed the marines and soldiers under the command of Colonel Scott, without opposition; found several hundred barrels of flour and provisions in the public store-houses, five pieces of cannon, eleven boats, and a quantity of shot, shells, and other stores; all of which was either destroyed or brought away. On the first instant, after having received on board all that the vessels

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Adjournment.

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could take, I directed the barracks and the public store-houses to be burned. We then re-embarked the men, and proceeded to this place, where I arrived yesterday."

Letter from Gen. Henry Dearborn to the Honorable Joseph B. Varnum, a member of the Senate.

Boston, October 17, 1814.

DEAR SIR: In reply to your letter of the 11th instant, I assure you, in the most explicit manner, that no public or private buildings were burned or destroyed by the troops under my command, at York, in Upper Canada, excepting two block-houses, and one or two sheds belonging to the Navy Yard. I placed a strong guard in the town, with positive orders to prevent any plunder or depredation on the inhabitants; and, when leaving the place, a letter was received from Judge Scott, Chief Justice of the Superior Court, in which he expressed his thanks for the humane treatment the inhabitants had experienced from our troops, and for my particular attention to the safety of their persons and property. A frigate on the stocks, and a large store-house containing their naval stores, were set on fire by the enemy subsequent to their offer of surrendering the troops and public property. Several of the most valuable public buildings, connected with their principal military positions, were destroyed by the explosion of their magazine, which proved so fatal to our troops; and although there were strong provocations for burning or destroying the town, nothing of the kind took place more than I have already mentioned, either by the army or navy.

Yours, with respectful esteem,

H. DEARBORN.

Hon. JOSEPH B. VARNUM.

The Senate adjourned to six o'clock in the evening.

Six o'clock in the Evening.

On motion, by Mr. BIBB, the Committee on Foreign Relations, to whom was referred the message of the President of the United States, recommending a declaration of war, by the

United States, against the Dey and Regency of Algiers, were discharged from the further consideration thereof.

On motion, by Mr. DANA,

Resolved, That the injunction of secrecy be removed respecting the proceedings on the Message of the President of the United States recommending a declaration of war by the United States against the Dey and Regency of Algiers, and on the bill, entitled "An act for the protection of the commerce of the United States against the Algerine cruisers."

[For these proceedings, see March 2, *ante*.]

Adjournment.

A message from the House of Representatives informed the Senate that the House have passed a resolution for the appointment of a joint committee to wait on the President of the United States, and notify him of the intended recess, and have appointed a committee on their part, in which they request the concurrence of the Senate.

The Senate proceeded to consider the resolution last mentioned, and concurred therein.

Ordered, That Messrs. CHACE and BARBOUR be the committee on the part of the Senate.

Mr. CHACE reported, from the joint committee, that they had waited on the President of the United States, who informed them that he had no further communication to make to the two Houses of Congress.

A message from the House of Representatives informed the Senate that the House, having finished the business before them, are about to adjourn.

Ordered, That the Secretary inform the House of Representatives that the Senate, having finished the Legislative business before them, are about to adjourn.

Whereupon, the President adjourned the Senate without day.

THIRTEENTH CONGRESS.—THIRD SESSION.

PROCEEDINGS AND DEBATES

IN

THE HOUSE OF REPRESENTATIVES.

MONDAY, September 19, 1814.

This being the day appointed by proclamation of the President of the United States, dated on the 8th day of August, 1814, for the meeting of Congress, LANGDON CHEVES, the Speaker, PATRICK MAGRUDER, the Clerk, and the following members of the House of Representatives, appeared, and took their seats, to wit:

From New Hampshire—Roger Vose.

From Massachusetts—Elijah Brigham, William Ely, Levi Hubbard, Cyrus King, Nathaniel Ruggles, and Artemas Ward.

From Connecticut—Epaphroditus Champion, John Davenport, jr., Jonathan O. Mosely, and Lewis B. Sturges.

From Vermont—William C. Bradley, James Fisk, Richard Skinner, William Strong, and Charles Rich.

From New York—Daniel Avery, Alexander Boyd, Oliver C. Comstock, Peter Denoyelles, Jonathan Fisk, James Geddes, Thos. P. Grosvenor, Moses Kent, John Lovett, Jacob Markell, Moses Moffit, Thomas J. Oakley, Jonathan Post, jr., and Ebenezer Sage.

From Pennsylvania—William Anderson, David Bard, Robert Brown, John Conard, Roger Davis, Charles Jared Ingersoll, Samuel D. Ingham, Jared Irwin, Aaron Lyle, William Piper, John Rea, Adam Seybert, Adamson Tannehill, Daniel Udree, and Thomas Wilson.

From Delaware—Thomas Cooper.

From Maryland—Stevenson Archer, Alexander C. Hanson, Joseph Kent, and Philip Stuart.

From Virginia—Thomas M. Bayly, William A. Burwell, Hugh Caperton, John W. Eppes, Thomas Gholson, Peterson Goodwyn, Aylet Hawes, John Kerr, Joseph Lewis, jr., William McCoy, Thomas Newton, James Pleasants, jr., John Roane, John Smith, and Francis White.

From North Carolina—Willis Alston, John Culpeper, Peter Forney, William Gaston, Nathaniel Macon, William H. Murfree, Joseph Pearson, Richard Stanford, and Bartlett Yancey.

From South Carolina—Langdon Cheves, (Speaker,) David R. Evans, Samuel Farrow, Theodore Gourdin, and Thomas Kershaw.

From Georgia—Albert Cuthbert, and John Forsyth.

From Kentucky—James Clark, Joseph H. Hawkins, Joseph Desha, Richard M. Johnson, Thomas

Montgomery, Stephen Ormsby, and Solomon P. Sharpe.

From Tennessee—John H. Bowen, Thomas K. Harris, Perry W. Humphreys, John Rhea, and John Sevier.

From Ohio—John Alexander, James Caldwell, William Creighton, jr., and John McLean.

A quorum, consisting of a majority of the whole House, being present, a committee was appointed, on the part of this House, to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communications that he may be pleased to make to them; and Mr. MACON and Mr. OAKLEY were appointed the committee.

A new member, to wit, PHILIP P. BARBOUR, elected to supply the vacancy occasioned by the death of John Dawson, one of the members from the State of Virginia, also appeared, produced his credentials, was qualified, and took his seat.

WILLIAM LATTIMORE, the delegate from the Mississippi Territory, appeared, and took his seat.

A message from the Senate informed the House that a quorum of the Senate is assembled, and that they are ready to proceed to business. They have appointed a committee, on their part, to join such committee as may be appointed on the part of this House, to wait on the President of the United States, and notify him that a quorum of the two Houses is assembled, and ready to receive any communications he may be pleased to make to them.

TUESDAY, September 20.

Several other members, to wit: From Massachusetts, LABAN WHEATON, JOHN REED, and WILLIAM BAYLIES; from Pennsylvania, WILLIAM CRAWFORD and ISAAC GRIFFIN; from Virginia, JOHN G. JACKSON; from North Carolina, MESAACK FRANKLIN; from Georgia, BOYLING HALL, GEORGE M. TROUP, and WILLIAM BARNETT; and from Kentucky, SAMUEL MCKEE, appeared, and took their seats.

JONATHAN JENNINGS, the delegate from the Territory of Indiana, also appeared, and took his seat.

Mr. MACON, from the joint committee appointed to wait on the President of the United States, and inform him that a quorum of the two Houses was assembled and ready to receive any communications he might be pleased to make to them, reported that they had performed that duty, and the President answered he would make a communication to the two Houses of Congress to-day at twelve o'clock.

A Message was then received from the PRESIDENT OF THE UNITED STATES, which was read, and committed to the Committee of the Whole on the state of the Union. [For this Message, see Senate proceedings of this date, *ante* page 290.]

WEDNESDAY, September 21.

Several other members, to wit: from Massachusetts, GEORGE BRADBURY; from Rhode Island, RICHARD JACKSON, junior; from Pennsylvania, WILLIAM FINDLAY and EDWARD CROUCH; from Maryland, CHARLES GOLDSBOROUGH; from North Carolina, WILLIAM R. KING; from South Carolina, DAVID R. EVANS and JOHN J. CHAPPELL; and from Georgia, THOMAS TELFAIR, appeared, and took their seats.

THURSDAY, September 22.

Several other members, to wit: from New Hampshire, JEDUTHAN WILCOX; from New Jersey, RICHARD STOCKTON; from South Carolina, ELIAS EARLE; and from Kentucky, WILLIAM P. DUVALL, appeared, and took their seats.

A new member, to wit, SAMUEL DANA, elected to supply the vacancy occasioned in the representation of the State of Massachusetts, by the resignation of William M. Richardson, appeared, was qualified, and took his seat.

Capture of Washington City.

The following resolution was submitted by Mr. JOHNSON, of Kentucky, for consideration:

Resolved, That a committee be appointed to inquire into the causes of the capture of this city by the enemy; also, into the manner in which the public buildings and property were destroyed, and the amount in value of the property, public and private, so destroyed; and that they have power to send for persons and papers.

Mr. GOLDSBOROUGH, of Maryland, recommended that the resolution might be laid on the table. It appeared to him that the blowing up of Fort Warburton, and the occupation of Alexandria by the enemy, should be included in the inquiry.

Mr. JOHNSON assenting to the proposition, the resolution was laid on the table.

Burning of the Capitol.

The SPEAKER laid before the House a letter from Patrick Magruder, Clerk to this House, detailing the circumstances attending the de-

struction of his office by the enemy; which was read, and referred to Messrs. PEARSON, TELFAIR, DUVALL, WINTER, WARD of New Jersey, KERSHAW, and KERR.

The letter is as follows:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,
September 20, 1814.

SIR: Being compelled to leave home the latter part of July, for the Springs, on account of indisposition; after leaving the clerks in charge of the office, with instructions as to their official duties, and a person in charge of the library of Congress, for the purpose of opening and airing the books, pursuant to the regulations thereof; during my absence, the invasion of this city was effected by the enemy, and the destruction of public property by them, in those departments immediately under my superintendence, ensued; and, for a more particular detail of the circumstances attending that disastrous event, I must, through you, refer to a statement of facts submitted (in a letter to me from the clerks, who were left in the office after the militia marched from the District) to the House, with a request that a committee may be raised for the purpose of investigating the subject-matter thereof, and report to the House accordingly; and, also, that the Committee of Accounts may be instructed to ascertain, as near as can be, the amount of money paid on account of the contingent expenses of the House, since the first day of January last, by the Clerk, that he may have credit for the same at the Treasury, as the public vouchers for the expenditure of the public money since that period have all been destroyed in the conflagration of the Capitol. Without the aid of such an ascertainment, by a committee of the House, justice cannot be done to the undersigned or the public.

I am, sir, with respect, yours, &c.

PATRICK MAGRUDER.

The SPEAKER of the House of Reps.

CITY OF WASHINGTON, Sept. 15, 1814.

SIR: In order to correct any erroneous statements or representations which may go, or have gone, out to the public, in relation to the destruction of your office, we deem it our duty to make the following statement of facts:

At the time you left the city, (which was in the latter part of the month of July,) for the Springs in Virginia and Pennsylvania, for the recovery of your health, all was quiet, and we believe no fears were entertained for the safety of the seat of Government. Indeed, nothing was heard of the enemy, except his marauding parties in the Chesapeake, and what was seen in the newspapers, of troops being ordered from Europe to America.

About the middle of August it was stated that the enemy was in the bay, in great force, and, on the 19th of that month, the whole body of the militia of the District of Columbia was called out, under which call every clerk of the office was taken into the field, except Mr. Frost, and marched to meet the enemy.

On the 21st, the first of the undersigned clerks was furloughed, by Brigadier General Smith, at the request of Colonel George Magruder, for the purpose of returning to the city, to take care of, and save such part of the books and papers of the Clerk's office, as he might be able to effect, in case the enemy should get possession of the place; he arrived here in the night of that day.

His orders from Colonel George Magruder were

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not to begin packing up until it was ascertained that the clerks at the War Office were engaged in that business; and it was not until 12 o'clock, on Monday, the 22d, that we were informed that they had begun to move the effects of that office, although we were subsequently told that it had commenced the day before.

We immediately went to packing up, and Mr. Burch went out in search of wagons or other carriages, for the transportation of the books and papers; every wagon, and almost every cart, belonging to the city, had been previously impressed into the service of the United States, for the transportation of the baggage of the army; the few he was able to find were loaded with the private effects of individuals, who were moving without the city; those he attempted to hire, but, not succeeding, he claimed a right to impress them; but having no legal authority, or military force to aid him, he, of course, did not succeed. He then sent off three messengers into the country, one of whom obtained from Mr. John Wilson, whose residence is six miles from the city, the use of a cart and four oxen; it did not arrive at the office until after dark on Monday night, when it was immediately laden with the most valuable records and papers, which were taken, on the same night, nine miles, to a safe and secret place in the country. We continued to remove as many of the most valuable books and papers, having removed the manuscript records, as we were able to do with our one cart, until the morning of the day of the battle of Bladensburg, after which we were unable to take away any thing further.

Every thing belonging to the office, together with the library of Congress, we venture to say, might have been removed in time, if carriages could have been procured; but it was altogether impossible to procure them, either for hire, or by force.

The most material papers which have been lost are, the last volumes of the manuscript records of the Committees of Ways and Means, Claims and Pensions, and Revolutionary Claims; the clerks were engaged in bringing up these records previous to the alarm, and as it was not certain that the enemy would get to the city, and being desirous to have them completed, they were not packed away with the rest, but were kept out, that they might be finished by the meeting of Congress; but with the intention of taking them to a private residence, if such removal should be found necessary. After the defeat of our troops at Bladensburg, Mr. Frost removed them to the house commonly called General Washington's, which house being unexpectedly consumed by fire, these records were thus unfortunately lost.

The secret journal of Congress was also consumed; it was kept in a private drawer in the office, and in the hurry of removal was forgotten. Its contents, however, have been, in most cases, published by order of the House.

The manuscript papers, which have not been saved, were mostly of a private nature, consisting chiefly of petitions, and unimportant papers, presented previous to the year 1799.

We regret very much the loss of your private accounts and vouchers, among which, we are sorry to add, were the receipts and accounts of the expenditure of the contingent moneys of the House of Representatives; they were in the private drawer of Mr. George Magruder, which being locked, and the key not in our possession, we delayed to break it open until

the last extremity, after which it escaped our recollection.

It is well known to one of us, (Mr. Burch,) that the receipts were from the first of January last, and embraced nearly the whole amount of the appropriation for the contingent expenses of the House.

A number of the printed books were also consumed, but they were all duplicates of those which have been preserved.

We have thus given you a full account of our proceedings during the troublesome scene, and we flatter ourselves you will not see in them any thing to disapprove, as we were guided solely by a zealous endeavor to discharge our duty to you, and to the public.

S. BURCH,
J. T. FROST,

To PATRICK MAGRUDER, Esq.

FRIDAY, September 23.

Several other members, to wit: from New York, MORRIS S. MILLER and ELISHA J. WINTER; from New Jersey, LEWIS CONDIOT, THOMAS WARD, and WILLIAM COX; from Maryland, ALEXANDER McKIM and ROBERT WRIGHT; from North Carolina, ISRAEL PICKENS; and from South Carolina, WILLIAM LOWNDES; appeared and took their seats.

Capture of the City.

The House, on motion of Mr. JOHNSON, resumed the consideration of the resolution offered by him on yesterday, which was again read as follows:

Resolved, That a committee be appointed to inquire into the causes of the capture of this city by the enemy, the manner in which the public buildings and property was destroyed, and also into the amount in value of the property, public and private, so destroyed; and that they have power to send for persons and papers."

Mr. GROSVENOR, of New York, said he was sorry he could not accord in the propriety of withdrawing the proposed amendment. The subject of the capitulation of Alexandria, and the previous destruction of Fort Warburton, was closely connected with that of the capture of the city. This District, under the exclusive control of Congress, had been approached by the enemy in different directions, up the Patuxent and the Potomac, by two divisions of the same force. It was premature now to give any opinion where the blame, if any, of what had happened should rest. He hoped it would rest nowhere; that the recent disaster would be found to be the result of the particular situation of the country, which precluded any adequate defence. But, if there was an inquiry, he hoped it would be a thorough one; one which would satisfy the nation where the blame ought to rest. In this view, he thought it would be idle to inquire why the Capitol fell, distinguishing it from any other part of the District. Fort Warburton was one of its defences; the destruction of it carries on its face great cause of suspicion—and ought therefore to be a particular subject of inquiry; and, certainly, if any part of the subject

was worthy of inquiry, this was. The gentleman from Maryland being absent, he would therefore propose an amendment in the following words: "and into the causes which induced the destruction of Fort Warburton and capitulation of Alexandria."

Mr. JOHNSON had no objection to including Fort Warburton in the inquiry, but objected to also including Alexandria.

Mr. GASTON, of North Carolina, said he did not doubt that the object of all those who interested themselves in this matter, was to have a full investigation of the subject in a national view. Instead, then, of inquiring into the particular details, he would wish to have the inquiry general, and couched in the very terms in which the President had brought it before Congress, in his Message, and he should move to amend this motion accordingly. Mr. G. then stated his proposed amendment.

Mr. GROSVENOR withdrawing his proposed amendment, Mr. JOHNSON accepted Mr. GASTON's amendment to his motion; making it, with a further modification suggested by Mr. GROSVENOR, read as follows:

Resolved, That a committee be appointed to inquire into the causes of the success of the enemy in his late enterprises against the Metropolis, and the neighboring town of Alexandria, and into the manner in which the public buildings and property were destroyed, and the amount thereof; and that they have power to send for persons and papers.

The motion as it now stands was agreed to, without a dissenting voice; and Mr. JOHNSON, of Kentucky, Mr. LOWNDES, Mr. STOCKTON, Mr. MILLER, Mr. GOLDSBOROUGH, Mr. BARBOUR, and Mr. PICKENS, were appointed a committee pursuant to the said resolution.

MONDAY, September 26.

Several other members, to wit: from New York, SAMUEL SHERWOOD, WILLIAM IRVING, and JOHN LEFFERTS, appeared and took their seats.

A new member, to wit, from Massachusetts, JOHN W. HULBERT, elected to supply the vacancy occasioned by the resignation of Daniel Dewey, appeared, was qualified, and took his seat.

Removal of the Seat of Government.

Mr. FISK, of New York, rose and addressed the House, as follows:

Mr. Speaker: Upon a subject which has for several weeks past attracted the attention of this body, and indeed of every person in this nation, I feel it my duty to submit a resolution to bring the question promptly and fully before this House for examination and discussion. After the people of this country had recovered from the surprise and astonishment they felt at hearing of the capture of this city, and the destruction of the public buildings, their first inquiry was, where shall Congress sit with safety and convenience? Some designated one place,

some another; but few, if any, imagined that the councils of the nation would continue here. It is not merely necessary that the members of the General Government should be secure in their own opinion, they must be so in the opinion of the nation. The confidence and credit of the nation is identified with the security of the public Councils, and the safety of the public records. Menace this safety, and public confidence is impaired, public credit is shaken.

It was supposed, as well in as out of this House, that Congress would at an early day take this subject into consideration.

There are, I am well aware, upon this measure, a variety of opinions. The question is one of some delicacy, much interest and importance, worthy of attentive examination and deliberate decision. If it should be agitated, as I apprehend it is, in some degree to excite inquiry, to raise expectations, or create an interest by informal discussion, it is best to bring it directly and formally before this House, that it may be here examined, decided, and put at rest. With this view, and under these impressions, I have risen to ask the attention of the House to the resolution I am about to offer. If we are to have a temporary removal of the Seat of Government until the public edifices can be rebuilt, our public library and documents replaced, the sooner this shall be decided the better; and if we are to remain here, it is, under existing circumstances, desirable that this should be determined by a vote of Congress, and preparations made accordingly. I therefore submit the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of removing the Seat of Government, during the present session of Congress, to a place of greater security and less inconvenience than the city of Washington; with leave to report by bill or otherwise.

The question on taking this resolution into consideration was decided as follows, by yeas and nays: For consideration 79, against it 87, as follows:

YEAS.—Messrs. Alexander, Alston, Anderson, Archer, Avery, Barnett, Baylies of Massachusetts, Boyd, Bradbury, Bradley, Brigham, Brown, Caldwell, Champion, Chappel, Clark, Comstock, Condict, Conard, Cooper, Cox, Crawford, Creighton, Crouch, Culpeper, Dana, Davenport, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Ely, Farrow, Findlay, Fisk of New York, Gaston, Geddes, Gourdin, Grosvenor, Harris, Humphreys, Hulbert, Ingham, Irwin, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lovett, Lowndes, Lyle, Macon, Markell, McLean, Moffit, Mosely, Murfree, Oakley, Piper, Post, John Reed, Rea of Pennsylvania, Rich, Ruggles, Sage, Seybert, Sharpe, Sherwood, Skinner, Stanford, Sturges, Tannehill, Thompson, Udree, Voss, Ward of Massachusetts, Ward of New York, Wheaton, Wilcox, and Winter.

NAYS.—Messrs. Bayly of Virginia, Bowen, Burwell, Cuthbert, Eppe, Forney, Forsyth, Franklin, Gholson, Goodwyn, Hall, Hawes, Hawkins, Hubbard, Jackson of Virginia, Kent of Maryland, Kerr, Kerahaw, King of North Carolina, Lewis, McCoy,

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McKee, McKim, Montgomery, Newton, Pearson, Pickens, Pleasants, Roane, Sevier, Smith of Virginia, Strong Stuart, Talfair, Troup, Wright, and Yancey.

So the House agreed to consider the resolution.

Mr. LEWIS, of Virginia, was opposed to the removal of the Seat of Government under any circumstances whatever. He was particularly opposed to it for the reasons stated in the resolution—he did not believe the city of Washington more vulnerable than any other situation east of the Alleghany Mountain, nor as much so as Baltimore, Philadelphia, or even Lancaster; to one of which, he understood, it was the wish of gentlemen to carry it. Mr. L. said, the natural situation of Washington was as well calculated to resist an enemy as any to which gentlemen could desire to remove; and the circumstance of its having been invaded, was no reason why it should be abandoned.

If proper preparations for resistance had been made by those whose duty it was to have made them, Washington had been safe against double the number of its invaders. Instead, then, of removing the Seat of Government, let us do our duty by compelling others to do theirs. Let fortifications be immediately constructed and defended by a sufficient number of men inured to the duties of the camp, and we have nothing to fear hereafter. It would, in his opinion, be degrading, under present circumstances, to remove from this place. Our enemies had exultingly declared that Congress had been driven from their seat, and should no longer continue there. Let us not, then, fulfil their predictions and gratify their wishes. On the score of accommodations, Mr. L. observed, that although the present Hall was not as spacious and magnificent as the one we had been accustomed to occupy, yet it was as convenient as any we might calculate on getting elsewhere; at all events, it would do very well until another could be built in the city of Washington. He stated, that although from the words of the resolution a temporary removal was only contemplated, yet he verily believed that, when once started, it would never again return, and he feared the consequences that would follow. The States of Virginia and Maryland had made large donations in money to aid in the improvement of the city of Washington as the permanent seat of the General Government, and they would not willingly submit to the sacrifice. Hundreds and thousands of individuals had been induced, from a perfect confidence in the permanency of the Seat of the National Government, to expend their all in its improvement, who will be reduced to beggary and want if this resolution is adopted. The original proprietors of the ground upon which the city stands, had given to the Government two-thirds of their property for public uses; the greater part of which had been sold by the Government, and the proceeds appropriated to public purposes. Would it be just to sacrifice these people? Mr. L. exhorted the House to reflect

on the consequences of adopting the resolution. He hoped, by rejecting it, that an end would be put to similar attempts hereafter, and that the good people of the District would be permitted to repose in safety upon the faith of the constitution and the law, and would be suffered to continue their improvements here without the dread of being sacrificed. For the last ten or twelve years, Mr. L. observed, similar attempts had been made, the effect of which was to create alarm and paralyze exertion and improvement, to the great injury of the public. He hoped the vote which would now be given would silence forever attempts which could do no good, but much harm.

Mr. NEWTON, of Virginia, also opposed the resolution, in an energetic manner, on the grounds of expediency and constitutionality. He also alluded to the danger of intrigue, in the operations of the Government; which, he said, was the species of friction most dangerous to the regularity and stability of Republican Government.

Mr. MACON, of North Carolina, in an impressive manner warned the House against listening to this proposition; and, among other observations, in his usual forcible manner said, that if the Seat of Government was once set on wheels, there was no saying where it would stop.

Mr. RHHA, of Tennessee, said he would vote against the resolution, and observed, that the reasons offered for it appear to be derived from inconvenience to Congress. That inconvenience is said to arise from loss of public documents, and inconvenience of living. In respect to living, he would make no observations. In respect to public documents, he observed, the loss thereof was great; but the probability is, that that loss can be met as well in this city as elsewhere. Congress, at the commencement of this Government, had no precedents to direct them, except what the proceedings of the Old Congress afforded. That several copies of the journals of the Old Congress, and also some copies of the journals of Congress under the present Government, may be had in this city is presumed.

He said he would pass over the constitutional objection to a removal, and observe, that for Congress to remove from the District of Columbia because the public buildings were destroyed, may be assimilated to the removal of a man from his farm because a banditti had burned his house. For a man so to remove would be deemed an act of puerility, and display absence of wisdom and fortitude.

The eyes of Europe will be drawn to the result of the proposed resolution. A removal by them will be ascribed to a want of firmness; and at this particular time that Congress do manifest firmness and determination is safe and honorable; and so it will appear to all, on the present question. This House has an opportunity to manifest that firmness to the nation and to the world.

Mr. PEARSON, of North Carolina, said he had supposed that a gentleman who could have summoned up so much fortitude as to introduce the resolution now under consideration, would have given to the subject that reflection which would have enabled him to offer some better ground for it, some plausible reason why this most extraordinary and unheard of proposition should be adopted. If there was a man in this House, or in the nation, who could vote for the motion from motives of mere personal convenience, that man in his judgment deserved the execration of his country. If there were any great national object which required that this motion should be adopted; that the public faith should be violated; that the persons who compose the population of this city should be stripped of their property, acquired under the faith of the Government, should be turned out beggars on the community, the House would very properly enter into a consideration of such a motion. But what reasons are now offered for it? The gentleman who introduced does not say that he himself is afraid to remain here. But the gentleman says the people are agitated and uneasy, and desire the Government to remove to a place of safety. Were the people to think for the gentleman on matters coming before him here, or was he to think for himself? Were the members to consult their distant constituents whether they were safe in remaining, or was this House to determine for itself? The gentleman had said the proposed removal is only temporary; but his arguments look to a permanent removal. Where, if not here, is the gentleman to get those records, those steering oars to guide him in this difficult road? The public library is destroyed, but there are as good in this District as in any place to which it is now proposed to remove. The gentleman may, if he thinks proper, within the compass of ten miles, obtain all the books he ever read. The gentleman had intimated that Congress might, in a commercial city, obtain facilities in our financial transactions, and with more readiness procure money to carry on this war. All these arguments go to favor a permanent removal. If he was certain of any one thing, Mr. P. said, it was, that the constitution precluded Congress from such removal. The law establishing a permanent seat of Government was bottomed on the constitution; and, in consequence of its passage, the whole soil of the District had been transferred in fee simple to the President of the United States, upon the express condition that that act of Congress was carrying the constitution into effect. What would gentlemen do with those thousands of people who had expended their substance in building and improving the place, and, relying on the public faith pledged by solemn acts, had given their property into the hands of the Government? The man who, in cold blood, could place the citizens of this place in the condition in which they would be in the event of removal, for considerations of a private nature,

deserved eternal punishment. In another point of view, Mr. P. said, it seemed to him that gentlemen who were regardful of the honor of the country, would not be ready to heap disgrace upon disgrace, and add to the disaster of the enemy's success against this place; that they would be prevented by their national, or even party pride, from permitting the enemy to obtain a greater triumph than they have already obtained.

Mr. FARROW, of South Carolina, said he had voted to consider this motion, because he was desirous to treat with due respect every proposition made by a member of this House. But he asked, now, what great advantage would be derived from committing this subject, respecting which there could be no hesitation in deciding. The subject doubtless had been well considered before it was introduced into the House. For what, said he, are we now called upon to remove from this place? He was not about to say whether this place was the best that could have been selected for the Seat of Government. On that question he said he should not know what course to give to his own vote. But the question of removal at this moment was a very different one. Are we now called on, said he, to strike the standard of the nation? To say to the enemy, you have been here once, and may come again? No, sir; let us rally around it. The enemy, indeed, had once been here, and for his part he wished they might attempt to come again. It was time enough for Congress to move when they were in sight. He should doubt whether the honorable members of this House would then flee before them. Having assisted in calling the nation to war, he was ready to take part in it himself. He would rather sit under canvas in the city than remove one mile out of it to a palace. There had been no strength measured with the enemy in defending this place, and he would not, by deserting it, give him more credit than he had derived. The men of this District, led by proper officers, would, he believed, always do their duty and defend their city. Do we see any danger? Do you wish to examine the Faculty to know whether you are safe here? Or the clergy to know if they will consent to pay the proper attention to those who could not get away in case the enemy should a second time visit the place? He hoped no committee would be raised on the subject. When the enemy were at the gate, it would be time enough to abandon their posts.

Mr. GROSVENOR, of New York, said he hoped, before the question was taken, he should be allowed to take a calm and dispassionate view of it. He agreed entirely with the gentleman from North Carolina, that whoever voted from personal motives on this question, whether for or against it, deserved condemnation. Although, said Mr. G., I might have personal or local feelings on the occasion, they shall not operate if I can throw them from me. I will look entirely to the good of the nation in the

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vote I am about to give. Mr. G. said he viewed the proposed temporary removal as no violation of the public faith. If it was, the public faith was so violated in 1794, when the President alone was authorized to change the place of meeting. Gentlemen had said, if the Government once began to roll, it would never return. Is this the true and proper place for the Seat of Government? If it be, how can gentlemen say it will not return immediately after the causes for its present removal shall cease? It will. The Seat of Government will in such case gravitate as certainly to this position as the needle to the pole. All the arguments, therefore, against the removal, on the ground that it would be permanent, ought to be thrown out of consideration, as they had nothing to do with the question. Let the resolution take its course and go to a committee.

Mr. HAWKINS, of Kentucky, rose to offer a few ideas to the House, which he said had occurred to him since the subject had been presented this morning. Granting to gentlemen premises they had taken, and ceding the justice of a part of their reasoning, when tested and made applicable to the real question, neither one nor the other appeared to him to lead to the conclusions they had drawn. Cede the constitutional question that the Seat of Government might be removed by Congress; cede too that there is some cause for this removal; we have yet to inquire, said he, whether or not this is an exigency requiring removal, and then, whether we can remove advantageously. First, as to the causes of removal. What are they? Famine? An invading army? Neither. An invading army has indeed penetrated to the city, and what have they done? With traits of barbarity better suited to Vandals than to Britons, they sacked a few buildings, and retired so precipitately, abandoned it so disgracefully as to leave many of their most valuable officers and soldiers even slightly wounded in our hands. Where now is that enemy? Is he at Baltimore, Philadelphia, or New York—or where is he? Perhaps, if Congress were to decide on removing, the first step would bring them to face that incurable foe whose approach gentlemen appeared to dread. When the emergency did exist, Mr. H. said he would go with gentlemen in seeking out a place of greater security. But at this moment, he could but view this as a question of panic. Remove now, said he, and what spectacle will you exhibit to the community? The enemy has retreated in such a manner as to induce no belief of his desire to return. The enterprise which made him master of this city was desperate in its character, and marked by a degree of bravery amounting to rashness; and every one will admit that had the energies of the Government been properly brought into action, he would have retreated with much greater loss. Nay, Mr. H. said, he would venture to assert, that three thousand brave men, led and kept in action, would have pre-

vented the enemy from entering the capital; and that one thousand men in the Capitol alone with musketry would have defended the Capitol against the invaders.

Mr. OAKLEY of New York, next spoke. He said, that if indeed the enemy had abandoned our country at every point, it could not be justly supposed that Congress would be influenced by a panic in removing from this place. If the enemy be entirely out of view, this question may be discussed without that sort of feeling which some appear to entertain of it. Mr. O. said he would endeavor never to debate with feeling or passion, which was not at all conducive to inquiry into truth. If they could not approach this question without appeals to the passions and fears of the members, it certainly was no proof of its indisputable inexpediency. He was well aware, he said, of the interest which this District felt in the decision of this question; but it was proper that that interest should be manifested in a becoming manner. It was proper that considerations of this kind should have their proper influence; but when he heard gentlemen tell the House that by a temporary removal they would ruin thousands and thousands of individuals, he must believe it mere fanciful declamation. It was true, that a removal might injure individuals; but he presumed no gentleman in the House would hesitate to make a fair and liberal compensation by way of indemnity to such sufferers. It was a cardinal point in his politics, Mr. O. said, that the national faith should be preserved inviolate, even when improperly pledged, unless where considerations of a paramount nature forbade it. Gentlemen had talked about the national faith—but were they not aware that national contracts frequently cannot be fulfilled in the spirit in which they are made; and would they say that there might not be cases in which necessity would impose on them a course different from that pursued in ordinary cases? As to the expediency of removal, this was a mere proposition for inquiry, and if on inquiry it should appear that Congress cannot be more easily protected from the enemy, and better accommodated elsewhere, the arguments of gentlemen would apply, &c., &c. No temporary removal, Mr. O. said, would be a violation of the national faith. When we speak of a permanent seat of Government in the most literal sense, we speak of it subject to casualties. As to the panic alleged, were the enemy at our doors, the remark might be correct, but not otherwise. While, however, Mr. O. said, he would not remove at present under the impulse of fear, he would not remain from false courage. There was courage of one kind, and courage of another kind—the one animating the soldier in the fight, the other fortifying the citizen in the discharge of his duties. To be sure, members of Congress might put themselves on a par with the miserable wretches who fill the ranks of the enemy, and march forth to battle. But when we are sent here, said he, it is to

legislate, to provide the ways and means to pay those who are to fight. Whilst we transact the business of legislators, and put means into others hands to carry on the war, we are in the line of our duty. On some occasions it is glorious to gentlemen to take up arms and maintain the principles they have asserted by their votes; and there were some in this House who could boast of having done so; but, in general, legislation required tranquillity and separation from other duties. The incursion of the enemy, he said, instead of affording reasons against a removal of the Seat of Government, afforded conclusive arguments in favor of it. It had certainly shown one thing: that this was not a proper situation for the Seat of Government, because it is owing to the forbearance of the enemy that Congress had now a single roof to cover their heads whilst deliberating on the concerns of the nation. He called upon gentlemen to say whether it would be proper to remain at a place where the public documents were so much exposed to destruction, unless protected at an expense which was most disproportionate to the object.

The question was then taken on the resolution, and decided in the affirmative by yeas and nays, 72 to 61, as follows:

YEAS.—Messrs. Alexander, Alston, Anderson, Archer, Avery, Baylies of Massachusetts, Boyd, Bradbury, Bradley, Brigham, Brown, Caldwell, Champion, Clark, Comstock, Condict, Conard, Cox, Crawford, Creighton, Crouch, Dana, Davenport, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Ely, Findlay, Fisk of New York, Geddes, Gourdin, Grosvenor, Harris, Hulbert, Ingersoll, Ingham, Irving, Johnson of Kentucky, Kent of New York, King of Massachusetts, Lefferts, Lovett, Lyle, Markell, McLean, Miller, Moffit, Mosely, Murfree, Oakley, Piper, Post, John Reed, Rea of Pennsylvania, Rich, Ruggles, Seybert, Sharpe, Sherwood, Skinner, Stanford, Stockton, Sturges, Tannehill, Udree, Vose, Ward of Massachusetts, Ward of New Jersey, Wheaton, Wilcox, and Winter.

NAYS.—Messrs. Barbour, Bayly of Virginia, Bowen, Burwell, Chappell, Culpeper, Cuthbert, Earle, Eppes, Farrow, Fisk of Vermont, Forney, Forsyth, Franklin, Gaston, Gholson, Goodwyn, Griffin, Hall, Hanson, Hawes, Hawkins, Humphreys, Jackson of Virginia, Kent of Maryland, Kerr, Kershaw, King of North Carolina, Lewis, Lowndes, Macon, McCoy, McKim, Montgomery, Newton, Pearson, Pickens, Pleasant, Rhea of Tennessee, Roane, Sage, Sevier, Smith of Virginia, Strong, Stuart, Telfair, Troup, White, Wilson of Pennsylvania, Wright, and Yancey.

Mr. FISK, of New York, Mr. McKIM, Mr. BURWELL, Mr. GROSVENOR, Mr. INGHAM, Mr. HAWKINS, and Mr. DANA, were appointed the committee pursuant to the said resolution.

TUESDAY, September 27.

Two other members, to wit: from Connecticut, LYMAN LAW, and from Virginia, JOHN P. HUNGERFORD, appeared, and took their seats.

Encouragement of Privateers.

Mr. KING of Massachusetts, adverting to

the law passed in 1813, allowing a bounty for prisoners taken by private armed vessels, remarked that, by recent decisions of the proper authority, it appeared that the provisions of this act did not extend to the cases of recapture by private armed vessels, certainly a meritorious class of cases, and equally entitled, with others, to remuneration for their enterprises. To collect the sense of the House on the propriety of extending this provision to embrace such cases, he moved the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of extending the provisions of the act entitled, "An act allowing a bounty to the owners, officers, and crews, of the private armed vessels of the United States," passed on the 2d of August, 1813, to such officers and crews of merchant vessels of the United States as have recaptured, or may recapture, the same from the enemy.

The resolution was agreed to.

WEDNESDAY, September 28.

Several other members, to wit: from Massachusetts, ABIAH BIGELOW and TIMOTHY PROKERRING; from Vermont, EZRA BUTLER; and from Pennsylvania, HUGH GLASSGOW, appeared, and took their seats.

Bounty to Deserters.

Mr. FISK, of Vermont, said he believed it was the practice of the British commanders, on land and water, to use every means in their power to induce our men to desert their guns. A direct retaliation of such practices would doubtless be justifiable. But, Mr. F. said, the resolution he was about to submit had a different motive. It was well known that desertions from the enemy were very frequent, and that those deserters were strangers in our country, without means of employment, or of purchasing lands on which to labor for an honest livelihood. It was as well known that we have an extensive frontier, much exposed, and a great quantity of wild lands, the settlement of which would be very desirable. In order to authorize an inquiry into the expediency of disposing of this species of persons, so that they might be useful rather than burdensome to the community, he proposed the following resolve:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of giving to each deserter from the British army, during the present war, one hundred acres of the public lands, such deserter actually settling the same; and that the committee have leave to report by bill or otherwise.

The question to take this motion into consideration, the yeas and nays having been required by Mr. OAKLEY, was decided—For consideration 82, against it 45.

Mr. OAKLEY, of New York, said he had asked for the yeas and nays on the question of considering this resolution, to mark his opposition to it in every stage. With deep regret, he might truly say, had he seen this resolution

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before the House. He had hoped, to whatever extent of sacrifice Congress might determine to go in the prosecution of this war, although we might all agree to lay down our lives and fortunes in its support, we shall still retain something like national honor. He was sorry to see a proposition before this House which he considered to be levelled at the root of it. He did not speak from extensive knowledge, but he believed he was justified in saying it was the only proposition of the kind ever submitted to any legislature. He did not know, at least, that it had ever entered into the scope of policy of this Government to encourage the commission of crime by those most likely to perpetrate it. The ranks of the enemy were known to be filled by ragamuffins of all descriptions; and, by the adoption of such a measure as that proposed by this resolution, we should make a direct appeal to the worst passions of the worst men. Are we reduced to this? Have we not resources to maintain an open and manly contest without appealing to this most unheard of and disgraceful course? If such policy were pursued by the Government, he should forever despair of a successful issue to the contest in which we are engaged. He hoped gentlemen would reflect deeply on this subject, before they gave their consent to this inquiry. If considerations sufficiently powerful to arrest the measure do not press upon the feelings of men, it would be in vain for him to urge them.

Mr. GROSVENOR, of New York, said, that as he was bound to believe that any gentleman who made a motion in this House considered it honorable and proper, when he pronounced the measure, now proposed, to be dishonest, dishonorable and inexpedient, he did not mean to reflect personally on those who moved or advocated it. He did think so, and he did conceive also that the suggestions offered against them by the gentleman from New York had been in no degree met by the mover. Had they been met? The gentleman talked about the crimes of Britain; and seemed to infer because she had violated principle in one way, we might in another. This resolution would indeed at once reduce us to the same depth of guilt in which the gentlemen say our enemy is wallowing. The measure embraced in the motion before the House, being in the nature of retaliation, was different from all other such measures. It was wicked in itself, because it encouraged crime. It could not therefore be justified on that ground, nor indeed on any other. For his part, Mr. G. said, he had voted against the consideration of the motion, because in principle it was wrong, and therefore he would not even inquire into it. Without regard, he said, to the insinuation of particular sensibilities, the usual cant in this House, on such occasions, he should candidly discuss this question. If he knew himself, he observed, there was not a gentleman on the floor who would go further than he would at this moment, to rescue the country from the dangers

which environ it, to repel the foe that tramples on the soil. But, let the danger be what it would, unless the existence of the nation was absolutely in jeopardy, he could not, under any pretence, consent to prostrate its honor and dignity by plunging into crime. The question, then, arose whether the proposed measure was or was not of a criminal nature; and this question he wished fairly to consider. What was this proposition which was to be adopted as a national principle, as a portion of our national morality, to stamp our character, now and forever? He asked gentlemen to say if they would, by adopting this proposition, offer a bounty for the commission of crime? Let gentlemen look into the books on national law, they will find desertion to be an offence of so black a dye that not even enemies are to encourage it. It is an offence in regard to which it is a common expression, that men love the treason but hate the traitor. A nation must receive the traitor, but hates him at the same time; because the crime of deserting the allegiance which a man owes to his country, is one of the deepest dye, one which you are daily punishing with death on your frontier. It is now proposed to offer a bounty on an offence, to which your own laws have decreed the punishment of death. Why stop here? Why not offer a bounty to every man who commits treason of any kind? Why stop here? Why not at once adopt the principles of the Old Man of the Mountain, as he is called, and offer a bounty for the assassination of the King, Governors, and Generals of your enemy? Why stop short by giving a bounty on desertion? Why not at once give a bounty for the assassination of every man in your enemy's camp, and pay the perpetrators of the crime when their daggers reek with their blood? There is little or no distinction, in principle, between these offences. Mr. G. repeated that he was ready, and gentlemen would find it in his conduct, to travel every honorable length in defending his country. But nothing short of preserving the independence of the country, and not till that independence was prostrate on the ground, could induce him to adopt a measure, embracing a principle like this.

Mr. SHARPE, of Kentucky, commenced some remarks by saying, that on all subjects requiring the deliberation of Congress, he was pleased to see a sentiment of jealous regard for the national honor and character pervading the House, and felt disposed to allow the sincerity and candor of every gentleman who made professions of it. After hearing very attentively, however, all that had been said on this subject, and giving due credit to the ingenuity of gentlemen, whose arguments are certainly very specious, his mind had not been convinced but that the measure now proposed to the House perfectly comported with the national honor. It was true, indeed, that when we consult the conduct of nations, and those usages which have the force of laws, we shall find many traits

that do not quadrate entirely with the principles deemed honorable in social life. But, in considering subjects of this kind, we must disentangle our minds from the consideration of municipal laws which have no bearing on this subject. Treason is a crime of the highest grade against the nation to which the traitor belongs. To withdraw allegiance from one nation and transfer it to that nation's enemy, during war, is treason against the sovereign authority to which allegiance was due. But how ought we to consider this crime? Though a crime against a man's own country, it is no crime against that to which he deserts. The desertion of a soldier from our enemy is surely no crime against the United States, and therefore, as to us, no crime at all. Mr. S. examined at some length the nature of allegiance and of the obligations it imposed. To screen a criminal of any kind was participating in his crime, and becoming accessory after the fact; but it had been the practice of all nations to receive deserters from their enemies, and to permit them to settle among them if they behaved as good citizens ought to do. The nice principles of honor the gentlemen had laid down, extended far enough, would impose on a nation the necessity of restoring to an enemy his deserters, and enabling him to punish their offence with death. If, however, as public law exists, we may give them aid and comfort, and afford them an asylum, we may as well add to other inducements as those which, the gentleman says, already operate so powerfully on the soldiers of our enemy. In so doing, the principle, which is not controverted, is extended but little further than at present, and in its moral consequences is certainly not so enlarged as to affect the national honor.

After rejecting a motion made by Mr. BRADLEY, of Vermont, to lay the motion on the table, the question on its adoption was determined: For the motion 80, against it 55, as follows:

YEAS.—Messrs. Alexander, Alston, Anderson, Archer, Avery, Barbour, Bard, Barnett, Bowen, Brown, Burwell, Caldwell, Chappell, Clark, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Dana, Davis of Pennsylvania, Denoyelles, Desha, Eppes, Evans, Findlay, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Hall, Harris, Hawes, Hawkins, Hubbard, Humphreys, Ingersoll, Ingham, Irving, Irwin, Jackson of Virginia, Johnson of Kentucky, Kent of Maryland, Kerr, Kershaw, Lefferts, Lowndes, Lyle, McCoy, McKee, McKim, McLean, Montgomery, Murfree, Newton, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roane, Sage, Sevier, Seybert, Sharp, Tannehill, Telfair, Troup, Udree, Ward of New Jersey, Wilson of Pennsylvania, and Yancey.

NAYS.—Messrs. Baylies of Massachusetts, Bayly of Virginia, Bigelow, Boyd, Bradbury, Bradley, Brigham, Butler, Caperton, Champion, Cooper, Cox, Culpeper, Davenport, Duvall, Earle, Ely, Farrow, Gaston, Geddes, Goldborough, Grosvenor, Hanson, Hulbert, Jackson of Rhode Island, Kent of New York, King of Massachusetts, King of North Carolina,

Law, Lewis, Lovett, Macon, Markell, Miller, Moffitt, Mosely, Oakley, Pearson, Pickering, Post, John Reed, Ruggles, Sherwood, Skinner, Smith of Virginia, Stanford, Stockton, Sturges, Thompson, Vose, Ward of Massachusetts, Wheaton, White, Wilcox, and Winter.

So it was adopted by the House.

Honor to the Brave.

Mr. HAWKINS, of Kentucky, in introducing the following motion, adverted to the unpropitious events attending the commencement of the war, the more mortifying because unexpected, which had caused to be overlooked by the National Councils some displays of valor and military skill which deserved the notice of Congress. This omission had been the more marked because of the almost unlimited plaudits during the same time bestowed on the officers of the Navy, &c. Had the nation noticed by civil honors the merits of a Pike, a Taylor, a Croghan, a Miller, and some others, perhaps they would have done but sheer justice. But his object in rising now was to present a motion limited in its character, and confined to objects which must meet the approbation of the House. The resolution he proposed, and which he had hoped some other member would before now have offered, was in the following words:

Resolved, That the thanks of the United States, in Congress assembled, be presented to Generals Brown, Scott, and Gaines, and their companions in fame.

Resolved, That General Brown be requested to communicate to the other officers and soldiers under his command the thanks of the United States in Congress, and the high sense of gratitude entertained for victories so splendid, achieved in contests so unequal.

Considerable desultory debate took place on this motion, not in opposition to the principle, but from difference of opinion as to the mode.

Mr. OAKLEY moved to commit the same to the Committee of Military Affairs, with instructions to inquire into the expediency of returning the thanks of Congress to such other officers and soldiers of the United States as may have distinguished themselves during the present war.

A motion was made by Mr. SHARPE, to amend the motion of Mr. OAKLEY, by inserting, after the word "Congress," the following: "with such other testimonials of the national approbation, as said committee shall deem advisable."

A motion was then made by Mr. LOWNDES, to postpone, until Monday next, the further consideration of the resolutions; which was agreed to.

THURSDAY, September 29.

Another member, to wit, from Virginia, JOHN CLOPTON, appeared, and took his seat.

FRIDAY, September 30.

Several other members, to wit: from New Hampshire, BRADBURY CILLEY; from New Jersey, JAMES SCHUREMAN; from Maryland, NICHOLAS R. MOORE, appeared, and took their seats.

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Removal of the Seat of Government.

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MONDAY, October 3.

Two other members, to wit: from New York, JOHN W. TAYLOR; and from Virginia, HUGH NELSON, appeared, and took their seats.

Honorary Rewards.

Mr. TROUP, from the Committee on Military Affairs, reported resolutions expressive of the thanks of Congress for the gallantry and good conduct with which the arms of the United States have been sustained by Major General Brown, and Brigadiers Scott, Gaines, and Macomb, during the present campaign.

The resolution was referred to a Committee of the Whole, and ordered to be printed.

Removal of the Seat of Government.

Mr. FISK, of New York, from the committee to whom was referred the resolution directing an inquiry into the expediency of a temporary removal of the Seat of Government from the city of Washington, &c., reported:

"That the committee had had the same under consideration, and directed the Chairman to submit to the House the following resolution:

Resolved, That it is inexpedient to remove the Seat of Government at this time from the city of Washington."

The House having agreed to consider the report—

Mr. FISK, of New York, said he had reported that resolution in conformity to the directions of a majority of the committee; but he now thought it his duty to move to strike out the word "inexpedient," and insert the word "expedient."

A short desultory conversation took place between several members in relation to the state of defence of the place, &c.,

When the question on Mr. FISK's motion to amend (the effect of which was to declare it expedient to remove) was taken and decided as follows:

YEAS.—Messrs. Alexander, Alston, Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Bradley, Brigham, Brown, Butler, Caldwell, Champion, Cilley, Clark, Condict, Conard, Cooper, Cox, Creighton, Davenport, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Ely, Fisk of New York, Geddes, Grosvenor, Hulbert, Ingersoll, Ingham, Irwin, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lovett, Lyle, Markell, Miller, Moffit, Mosely, Murfree, Oakley, Pickering, Piper, Post, John Reed, Rea of Pennsylvania, Rich, Ruggles, Schureman, Seybert, Sharpe, Sherwood, Skinner, Stanford, Stockton, Sturges, Tannehill, Taylor, Thompson, Udree, Vose, Ward of Massachusetts, Ward of New Jersey, Wilcox, and Winter—68.

NAYS.—Messrs. Archer, Avery, Barbour, Bard, Barnett, Bayly of Virginia, Bowen, Burwell, Caperton, Chappell, Clopton, Comstock, Crawford, Culpeper, Cuthbert, Dana, Earl, Epes, Evans, Farrow, Findlay, Fisk of Vermont, Forney, Forsyth, Franklin, Gaston, Gholson, Glasgow, Goodwin, Griffin, Hall, Hanson, Harris, Hawes, Hawkins, Hubbard, Humphreys, Jackson of Virginia, Johnson of Kentucky, Kerr, Kershaw, King of North Carolina, Leferts, Lewis, Lowndes, Macon, McCoy, McKee, Mo-

Kim, McLean, Montgomery, Moore, Newton, Pearson, Pickens, Pleasants, Rhea of Tennessee, Roane, Sage, Sevier, Smith of Virginia, Strong, Stuart, Telfair, Troup, White, Wilson of Pennsylvania, and Yancey—68.

The House being equally divided—

The SPEAKER said he was now called on to give a vote as unexpected as painful. He would, on this occasion, as on any other, regardless of the feelings that might be thereby excited, and the impressions probably received, give that vote which he believed the interests, safety, and honor of the nation under all the circumstances to require. He was deeply impressed with the belief that these considerations required him to vote in the affirmative. The reason for this vote was, that this District could not be defended except at an immense expense, and an expense perhaps half of that which would be necessary to carry on the war.

So the amendment was carried.

Mr. LEWIS, of Virginia, moved to refer the report as amended to the Committee of the whole House, that it might be more fully and freely discussed.

Mr. FISK having acceded to the proposed reference to a Committee of the Whole, the business was so disposed of, and made the order of the day for to-morrow.

WEDNESDAY, October 5.

Another member, to wit, from Rhode Island, ELISHA R. POTTER, appeared, and took his seat.

Removal of the Seat of Government.

The House again resolved itself into a Committee of the Whole on the report of the select committee on the expediency of a temporary removal of the Seat of Government. The resolution under consideration stands as follows:

Resolved, That it is expedient at this time to remove the Seat of Government from the City of Washington.

Mr. STOCKTON, of New Jersey, said he had at one time determined to take no part in the discussion now before the committee, but to remain satisfied with a silent vote. The subject had always appeared to him of such a nature, as to preclude any just expectation of good resulting from much debate. We should make no proselytes on one side or the other—the subject lies level with every man's understanding. Gentlemen need only to open the constitution of their country—cast their eyes around—survey the District, and observe what was before them, to enable them to judge correctly. He had, however, been induced to alter this resolution by the course of argument which an honorable member from North Carolina (Mr. PEARSON, who he was sorry not to see in his seat) had thought proper to pursue. That gentleman had made many remarks which were susceptible of a satisfactory answer; many which Mr. S. thought ought not to go forth without an answer;—they might, if unanswered, be thought correct, and would, he feared, delude and mis-

lead those whom that gentleman had with so much zeal and ability attempted to serve. No gentleman, Mr. S. said, could feel less personal interest in the question than he did; coming from a State having very humble pretensions to consequence or patronage—never himself expecting to be here again after this session—he could view the subject with coolness and impartiality. The honorable member he alluded to had indulged himself in very extensive and wide excursions. Mr. S. would not attempt to follow him in his whole course, but content himself with selecting some of his leading points, leaving it to other gentlemen to remark on the residue if they saw fit. To get at the gentleman's argument at once, he would consider it under two general heads—

1st. The legal, constitutional right of Congress to remove the Seat of Government.

2d. The propriety or expediency of exercising that right if they had it.

The gentleman from North Carolina had denied both; he would contend for the affirmative of each proposition.

1st. Does the Government of the United States possess the legal constitutional power of removing itself from this District? Mr. S. said, it was obvious that this point must be subdivided into two: 1st. Has the Government the power of temporary removal? 2d. Has it the power of permanent removal? Mr. S. said that he considered the first as the only question now properly before the committee. It was true that the proposition contained in the resolution was general in its terms, yet it seemed to be agreed on all sides, that only a temporary removal was contemplated at present. We were not ready now to act on so extensive a subject—one involving so many considerations of public interest, of private feeling and justice, as that of a permanent removal. This great point, then, was really not before the committee. But the gentleman from North Carolina supposing, probably, that upon the question of permanent removal he was impregnable, had pressed it into his service; its discussion was, therefore, proper, and might be useful. As to the legal constitutional right of the Government to remove itself for a season on good and sufficient reasons, who, Mr. S. asked, could seriously doubt it? What section of the constitution, what principle of reason, common sense, or common justice, could be relied on to take from the national councils so common and necessary an attribute of sovereignty? None could be produced; the gentleman could find none; no gentleman had hazarded the assertion. The honorable gentleman himself from North Carolina, with all his zeal, industry, and talent, had not brought his mind up to such an assertion in direct terms; yet it was necessary to a successful opposition to this resolution, not only to make, but to make good this extravagant position. Why, he asked, should the people have thus fettered, thus imprisoned, their Government? Why should an act, ascertaining the place where the Government

should sit, be considered so sacred as not to be approached by the Government which enacted it? Why, like the laws of the Medes and Persians, should it be irrevocable? If pestilence came—if famine or war came—were we to be enchained to the spot, by the magic force of an act not to be altered? The proposition was monstrous; he had no hesitation in pronouncing that such an idea was totally destitute of foundation, either in constitutional law, common sense, or common justice. Congress, Mr. S. said, had settled this question by passing a law, not only asserting the right of temporary removal for sufficient reasons, but delegating that right to the President of the United States. He alluded to the act of 1794, by which the President is authorized, by proclamation, to convene Congress at some other place than that fixed by law, if, in his opinion, by reason of a contagious disease, or any other cause, Congress could not meet at the Seat of Government without danger to the lives and healths of the members. If this matter had been exposed to any doubt, this law would have settled it; it is a legislative authority upon the very point; and so far are the people of the United States from entertaining the scruples the honorable gentleman had imputed to them, that there was a very common expectation in that part of the Union Mr. S. was conversant with, that after the late inroad of the enemy, and the destruction of the public buildings here, the President would by proclamation have convened Congress at some other place. He might have so done with strict propriety; the fact which was before him, the catastrophe which had happened, would have justified the conclusion that we could not sit here with safety to the lives and healths of the members; the general terms of the act alluded to seemed designed to meet such a case as had happened, and although the President did not think proper to execute the authority, yet the investing him with it was decisive of the right to remove for sufficient reasons. But, Mr. S. said, he would go further, submit with confidence to the committee that the two Houses of Congress, without the assent of the President, might by a joint resolution remove themselves for this session, and this would of course produce a removal of the Government, and all its departments. Mr. S. relied on the fifth section of the constitution to prove his position. It is there provided, "that neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting." This provision not only prohibits unseasonable adjournments and separations, but expressly admits and regulates the general power of removal; and, (if a grant of power was in such a case necessary, though he thought it was not,) by necessary implication, it invests in the two Houses a right by joint vote to adjourn to any other place; and yet this is the very power of temporary removal which seems now to be called in question. Mr. S. said that he felt that he had troubled the committee already

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too long upon this part of the subject; he should, therefore, leave the question of the right of temporary removal, under the persuasion that no member of the committee entertained a doubt about it.

Mr. S. said that, before he sat down, he would declare that he had no covert intention; that he meant to go no further than he had expressed. He had formed and would deliver no opinion as to the permanent removal; that was a great national question; it might be safely confided to the wisdom and justice of a future Congress. The people of this District, he thought, had great claims and great advantages; the inducements to return here would be strong; nothing but a conviction that, upon great principles, the good of the nation required a removal, could prevent the return of the Government. There exists a statute, having no limitation, fixing the Seat of Government here: this must be repealed, or the Government must return. There is in the District a real estate belonging to the United States of considerable value. The inhabitants have many claims upon the justice of the Government which will not be overlooked. They have also the zealous support of a great interest from the Southern States. The probability is, that a majority will never agree upon any other place. He therefore thought that they had magnified the danger they were in. If the removal was temporary the evil would be temporary, and must be set down to the account of *this war*. If it was final, compensation would be made in all cases in which it was due. On the whole, he should vote against the amendment proposed by the honorable member from North Carolina.

THURSDAY, October 6.

Another member, to wit, from New York, ZEBULON R. SHIPARD, appeared, and took his seat,

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The House resumed the consideration of the resolution declaring it expedient at this time to remove from the city of Washington.

Mr. PEARSON addressed the House as follows:

Mr. Speaker, I very much fear the House will be ill required for their indulgence in acceding to an adjournment yesterday at my instance. This apprehension is heightened by the circumstance, that it has fallen to my lot to enter the lists with an adversary so powerful, so justly distinguished, as the honorable gentleman from New Jersey, (Mr. STROCKTON.) The odds are, indeed, awful. My reliance is in the justice of my cause, and the candid and liberal judgments of those who hear me. I must, however, be permitted to say, that the argument of the honorable gentleman from New Jersey, (whom I have so often heard with conviction and delight when engaged in a better cause,) has tended to confirm rather than dis-

turb the opinions I entertain on the question submitted for our decision.

The insulated proposition before us is, whether it be expedient or inexpedient for Congress to remove the seat of the General Government from its present abode to some other place for a limited time. The specious garb which envelopes this proposition hides from the superficial eye much of its real deformity. It is our right and our duty to strip it and analyze it with that accuracy due to its importance—with that care which is demanded by a sacred regard for the national faith, the national interest, and above all the preservation of the union of these States.

Perhaps few articles in our constitution have marked more fully the wisdom and foresight of those illustrious men who framed that charter of liberty, than the provision in the 8th section of the 1st article, which says, "Congress shall exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States," &c.

The policy of this power in Congress is as manifest as the freedom and independence of its sessions, its members and deliberations are essential. That this sentiment may not rest on my authority alone, I beg leave to enforce it by an authority which will not be disregarded by gentlemen on this side of the House, with whom in general I have the satisfaction to think and to act, but many of whom I regret to find on this occasion embodied against me. The authority alluded to, is that excellent exposition of the constitution entitled *The Federalist*. This authority will not be objected to by the other side of the House, when they are informed that the extract I am about to read is the production of the present Chief Magistrate.

In considering the section of the constitution to which I have referred, this author says: "The indispensable necessity of complete authority at the Seat of Government, carries its own evidence with it. It is a power exercised by every legislature in the Union, I might say, of the world, by virtue of its general supremacy. Without it, not only the public authority might be insulted, and its proceedings be interrupted with impunity but a dependence of the members of the General Government on the State comprehending the Seat of the Government for protection in the exercise of its duty might bring on the National Councils an imputation of awe or influence, equally dishonorable to the Government and dissatisfactory to the other members of the Confederacy."

For those reasons, and many other considerations which will suggest themselves to every reflecting man, Congress was vested with the power, and it became their duty to establish the Seat of the General Government in the manner prescribed by the constitution. This power has been exercised, this duty has been performed.

The subject demanded and received the attention due to its importance by the first Congress which assembled after the adoption of the constitution. Many of the members of the first Congress had also been members of the Convention, and may well be presumed to have best understood the powers given and duties enjoined by that sacred instrument which they had contributed to form. It would be little less than impious to accuse them of violating their own act; it would be the extreme of presumption to charge them with ignorance as to the limitation of powers which they themselves had prescribed.

By reference to the Congressional Register of 1789, it will be found that the first Congress had scarcely assembled before their attention was peculiarly directed to the important subject of locating the permanent Seat of the General Government in the mode pointed out by the constitution. Those friends of union well knew the necessity of this power, and its inevitable tendency to bind faster and faster the members of this political association, some of whom were but feebly knit together, and the cement of the whole yet soft and infirm. Every effort was therefore essential to give a heart to this body, from which its several members would derive support, strength, and confidence. This great object was to be effected by embracing the earliest opportunity to establish the permanent Seat of the General Government on principles of justice and equality; having a due regard to the extent, population, and convenience of all the States; regarding, at the same time, the progressive increase of our Western settlements, the Atlantic navigation, and a convenient intercourse with the Western country. Upon these principles, it was resolved by the first Congress to fix the permanent residence of the Government.

It will be recollected by the House that in the course of my remarks the other day, I referred to the speeches of almost every distinguished member of the first Congress in relation to this subject, from which it appeared that not one individual member questioned the constitutional right of Congress to establish permanently the Seat of the Government. On the contrary, every member knew and admitted they were then legislating on a question not so important to themselves at that moment, but which was deemed vitally important to the perpetuity of the Union, as it would be binding for ages yet to come. With this understanding, and for this object, we find the word *permanent* emphatically used in every resolution, in every act, in every speech, syllable or letter on this subject. It is true, in the discussion on this subject, local jealousies, local feelings and influence were not totally discarded. They were manifested as to the place which should become the centre of the Union, but entered not into the question of the perpetuity of the act about to be performed. The essence of the act was its perpetuity, its binding force on future legisla-

tures, to put forever at rest a question, the agitation of which might in after times, awaken and give new vigor to passions and jealousies, which the adoption of the constitution had hushed, and which it was the first duty of wise legislators to keep in profound sleep; because if again aroused, they might shake the Union to its centre.

The principles on which the permanent Seat of the General Government should be established being recognized and admitted by all, the contest solely rested between the rival pretensions of the banks of the Susquehanna and those of the Potomac. The superior claims of the Potomac ultimately prevailed, and Congress did, on the 15th of July, 1790, and by an amendatory act of March 8d, 1791, designate and accept the present District of Columbia for "the permanent Seat of the Government of the United States." By the same and subsequent acts, the President was authorized to enter into engagements for the acceptance of such quantity of land on the east side of the Potomac, within the said District, as he might deem proper for the use of the United States. He was authorized to erect public buildings, and, through the agency of commissioners, to lay off and designate the plan of this city, which bears his name. For this purpose, he was vested with power to enter into contracts and stipulations with the proprietors of lands within the limits of the city for an absolute transfer of their lands in fee simple, for the objects contemplated, and in consideration of the act of Congress establishing the permanent Seat of the Government of the United States. By virtue of the powers vested in the President, and in consideration of the objects specified in the several acts of Congress alluded to, the proprietors did cede to the United States at least three-fourths of all the lands within the limits of this city, and for which no compensation was received, except for a few acres on which public buildings were erected, and some squares exclusively designed for public purposes. In furtherance of these objects, a great variety of other powers were granted to the President, the execution of which necessarily involved the interests of numerous individuals, and for the successful completion of which public faith could and did alone constitute the guarantee. Under these powers, and for the objects contemplated, large donations were received, lots were sold, loans were obtained, and pledges given, for their repayment, of the very property which had been surrendered by individuals to the United States.

The donations from the States of Maryland and Virginia, together with the sale of lots, which cost the Government nothing, amount to more than eight hundred thousand dollars. The public ground remaining unsold, is estimated at nearly one million of dollars. It may be worthy of remark, that soon after the establishment of this District as the *permanent seat* of the Government, foreigners were authorized

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to purchase and hold lands within its limits. The then President of the United States, General Washington, availed himself of this circumstance, not only to raise funds, but also to interest respectable foreigners and skillful artisans of all countries in aid of this new but extensive establishment. With this view agents were sent to Europe with official certified copies of all the laws and proceedings in relation to this subject, on the authority of which artists were induced to come from various parts of Europe, and settle here. Large sales of city lots were made in different countries of Europe, particularly Holland and England, which property to the amount of three hundred thousand dollars is still held by those purchasers or those claiming under them.

Two other material parties to the compact for fixing the permanent Seat of the Government yet remain to be heard. These are the States of Virginia and Maryland. We need barely refer to the laws of those States to learn the motives and considerations which induced them to surrender their jurisdiction not only of soil but persons, to the extent of ten miles square in the most important section of their States. I will call the attention of the House for a moment to a few of the provisions of an act of Maryland, passed 19th December, 1791, entitled "An act concerning the Territory of Columbia and city of Washington." The preamble commences in these emphatic terms: "Whereas the President of the United States, by virtue of several acts of Congress, and acts of the Assemblies of Virginia and Maryland, by his proclamation, dated at Georgetown, on the 80th day of March, 1791, did declare and make known that the whole of the territory of ten miles square, for the permanent Seat of Government of the United States, shall be located," &c. "And, whereas Notley Young, Daniel Carroll of Duddington, and many others, proprietors of the greater part of the land hereinafter mentioned, have been laid out in a city, came into an agreement, and have conveyed their lands in trust to Thomas Beall, son of George, and John Mackall Gantt, whereby they have subjected their lands to be laid out as a city, given up part to the United States, and subjected other parts to be sold to raise money as a donation to be employed according to the act of Congress for establishing the temporary and permanent Seat of the Government of the United States, under and upon the terms and conditions contained in each of said deeds," &c.

By the second section of said law, it is enacted, "That all that part of the said Territory called Columbia, which lies within the limits of this State, shall be, and the same is hereby acknowledged to be, forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of the United

States," &c. This law then proceeds to subject other lands within the limits of the city to the same terms and conditions as those which had been transferred as before recited, and concludes by making a donation of \$72,000, to be applied to the erection of public buildings or other improvements in the city of Washington for the use of the United States. As this subject was until very lately little understood by myself, and possibly less so by many members of the House, I have deemed it necessary to a correct decision, and a proper application of facts to principles, to give a general history of the establishment of the Seat of Government at this place, that we and the nation should know and reflect on the numerous obligations by which the Seat of Government is bound to its present spot—obligations resting not on fluctuating notions of policy, but flowing from the constitution, sanctioned by repeated laws, riveted by compacts with States and individuals, and rendered sacred by the plighted faith of the nation.

The adoption of the resolve was further opposed by Messrs. JOHNSON of Kentucky, FORSYTH of Georgia, HAWKINS of Kentucky, BOWEN and RHEA of Tennessee; and advocated by Messrs. SHARPE of Kentucky, and INGERSOLL of Pennsylvania.

The question on the passage of the resolution was decided as follows:

YEAS.—Messrs. Alston, Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Bradley, Brigham, Brown, Butler, Caldwell, Champion, Cilley, Clark, Condict, Conard, Cooper, Cox, Creighton, Davenport, Davis of Pennsylvania, Denoyles, Dasha, Duvall, Ely, Findlay, Fiak of New York, Geddes, Gourdin, Grosvenor, Hulbert, Ingersoll, Ingham, Irwin, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lovett, Lyle, Markell, Miller, Moffit, Mosely, Oakley, Ormsby, Pickering, Piper, Post, John Reed, Rea of Pennsylvania, Rich, Ruggles, Schureman, Seybert, Sharpe, Sherwood, Shipard, Skinner, Stanford, Stockton, Sturges, Tannehill, Taylor, Thompson, Udree, Vose, Ward of Massachusetts, Ward of New Jersey, Wheaton, Wilcox, and Winter—72.

NAYS.—Messrs. Archer, Avery, Barbour, Bard, Barnett, Bayly of Virginia, Bowen, Burwell, Chappell, Clopton, Comstock, Crawford, Culpeper, Cuthbert, Dana, Earle, Eppes, Evans, Farrow, Fiak of Vermont, Forney, Forsyth, Franklin, Gaston, Gholson, Glasgow, Goldsborough, Goodwyn, Griffin, Hall, Hanson, Harris, Hawes, Hawkins, Humphreys, Hungerford, Irving, Jackson of Virginia, Johnson of Kentucky, Kent of Maryland, Kerr, King of North Carolina, Lefferts, Lowndes, Macon, McCoy, McKee, McKim, McLean, Montgomery, Moore, Nelson, Newton, Pearson, Pickens, Pleasants, Rhea of Tennessee, Roane, Sage, Sevier, Smith of Virginia, Stuart, Telfair, Troup, White, Wilson of Pennsylvania, Wright, and Yancey—71.

So the resolution was agreed to, and a committee appointed to bring in a bill in pursuance thereof.

FRIDAY, October 7.

Two other members, to wit: from New York,

WILLIAM S. SMITH; and from Kentucky, SAMUEL HOPKINS, appeared, and took their seats.

MONDAY, October 10.

Several other members, to wit: from Massachusetts, SAMUEL TAGGART; from Maryland, SAMUEL RINGGOLD; from North Carolina, WILLIAM KENNEDY; and from Louisiana, THOMAS BOLLING ROBERTSON, appeared, and took their seats.

Ways and Means.

Mr. EPPES, from the Committee of Ways and Means, made a report on so much of the President's Message as relates to the finances of the United States; which was read, and referred to a Committee of the Whole, on Thursday next.

The report is as follows:

That taxes, loans, and Treasury notes, appear to be the resources on which we must rely for carrying on the war. The product of the first, cannot be commanded in time to meet the immediate demands on the Treasury. A reliance on loans, in the present situation of this country, would be uncertain; and the terms on which they would be obtained, not such as to induce a resort to them at the present moment. Treasury notes, combined with a system of taxation, more extended than the one heretofore adopted, will, it is believed, in the present state of bank credit, be found to be a much better resource. The want of some medium, which, resting on a firm and solid basis, may unite public confidence, and have a general, instead of a local circulation, is now universally acknowledged. The stoppage of specie payments by the principal banks of the Middle States has embarrassed greatly the operations of the Treasury, and, by confining the circulation of notes to the limits of the States within which they are issued, has deprived the Government of all the facilities in the remittance of money, which was afforded while the public confidence gave to bank notes a general circulation. The notes of New York and Philadelphia will not be received in Boston; the notes of Baltimore, or of the District of Columbia, will not answer for payments in Philadelphia. If, by any new modification, Treasury notes could be made to answer the purposes of a circulating medium between the different States, they would greatly facilitate the operations of Government, and free from embarrassment the transactions of individuals. To secure their circulation, it would be necessary—1. To issue the notes in sums sufficiently small for the ordinary purposes of society; 2. To allow the individual who holds them to fund them at pleasure at any of the loan offices, and to receive their amount in stock of the United States, bearing an interest of 8 per cent.; 3. To make them payable to bearer, and transferable by delivery; 4. To make them receivable in all payments for public lands and taxes; 5. To pledge, for the payment of the interest on the amount issued, so much of the internal duties as shall be necessary. To prevent an accumulation of circulating medium, the United States to retain the power, on giving six months' notice, of redeeming them with specie, or exchanging for them stock, bearing an interest of 8 per cent. If these provisions are adopted, and taxes imposed, which shall manifest clearly the ability of the Government to meet its engagements, our present difficulties will vanish, confidence be restored,

and the capital, hoarded by avarice, or locked up from timidity, will be again restored to the accustomed channels of circulation. In presenting additional objects of taxation, care has been taken to select such as will bear equally on every portion of the community. In Europe, the price of agricultural products is not materially affected by a state of war; the produce of the earth is there consumed within the country, in peace and in war. The situation of the United States is totally different. With an extensive and fertile country, and a small population, compared to the extent of our territory, we have annually a large surplus to export to foreign markets, over and above what is necessary for consumption. On the export of this surplus, which is cut off by war, depends in a great degree the ability of the farmer to meet taxes. While, however, war depresses the agricultural interest, it gives vigor to various manufactures. By destroying all foreign competition, the war has brought many of these manufactures to a state of perfection, which will secure their successful prosecution, even after peace shall be restored. In times of difficulty and danger, we must appeal to the patriotism of every class of our citizens. These establishments, under the fostering hand of the Government, have grown to maturity, and will not hesitate to bear, with the agricultural interests, their portion of the taxes necessary to maintain, unimpaired, that character for punctuality and good faith for which the American Government has heretofore been distinguished. Several of these manufactures have been selected as proper subjects of taxation; and it is proposed to unite with the taxes a pledge of the public faith, for the continuance of the double duties until the tax shall be repealed.

The committee deem it unnecessary at present, to present any view of the expenditures for the next year, reserving a report on that subject until the estimates from the Treasury shall be forwarded. Confining, therefore, this report to the additional taxes necessary for the support of the public credit, they submit the following resolutions:

1. *Resolved*, That it is expedient to continue the direct tax, and to increase the same 50 per cent.

2. *Resolved*, That it is expedient to increase the duty on spirits distilled, by an additional duty of 12½ cents on the gallon.

3. *Resolved*, That it is expedient to add 100 per cent. on the present duty on sales at auction.

4. *Resolved*, That it is expedient to add 50 per cent. to the present duty on the conveyance of papers and letters.

5. *Resolved*, That it is expedient to impose a duty on the following articles, viz: manufactured tobacco and snuff, in the hands of the manufacturer; candles, of tallow and spermaceti; hats; cotton yarn, spun by the aid of machinery, worked by steam or water; leather; pig iron; castings; bar, rolled, and slit iron, and on nails made by the aid of machinery; on furniture above a certain value, except beds, bedding, and articles of domestic manufacture, in the hands of the owner; beer, ale, and porter, in the hands of the manufacturer; boots and shoes, above a certain price, in the hands of the manufacturer; on plated harness, in the hands of the owner; on vats, for the manufacture of paper; on saddles and bridles, above a certain price, in the hands of the owner; on gold and silver watches, in the hands of the owner; on pleasure horses, kept exclusively for the saddle or carriage; on playing cards; and on lotteries.

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Negotiations for Peace.

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Estimate of the amount of the proposed increase, and
of the new duties - - - - - \$ 11,635,000

Add the revenue for 1815, as estimated by
the Secretary of the Treasury - - 10,800,000

• Making for 1815 a revenue of - - \$ 22,435,000

Negotiations for Peace.

The following Message was received from the
PRESIDENT OF THE UNITED STATES :

To the Senate and House of

Representatives of the United States :

I lay before Congress communications just received
from the Plenipotentiaries of the United States,
charged with negotiating peace with Great Britain;
showing the conditions on which alone that Govern-
ment is willing to put an end to the war.

The instructions to those Plenipotentiaries, disclos-
ing the grounds on which they were authorized to
negotiate and conclude a Treaty of Peace, will be
the subject of another communication.

JAMES MADISON.

WASHINGTON, October 10, 1814.

The Message and communications were re-
ferred to the Committee on Foreign Relations.

Mr. FORSYTH moved that five thousand copies
be printed for the use of the members.

Mr. HANSON, of Maryland, moved to amend
the resolution by inserting "ten thousand
copies" in the place of "five thousand." He
said he was persuaded the information commu-
nicated in the Message had awakened but one
feeling throughout the House, and stamped the
same impression on every member. It had al-
ways been his opinion that it became not this
Government to stand on idle, frivolous etiquette,
but to speak to the enemy, if indeed we desired
to convert him to a friend, to speak to him
frankly, plainly, and directly, to the end that
all ground for his doubting our sincerity might
be removed. He trusted that it would appear
that our Commissioners had been instructed so
to speak, and that they had so spoken. If,
then, on fair and honorable terms proposed,
England should have denied us peace; if other
and new claims had been set up; if she has at-
tempted to annex degrading and humiliating
conditions; if she has presumed to trench upon
our ascertained rights as hitherto acknowledged
and enjoyed, from that moment Mr. H.'s deter-
mination had long since been formed to unite in
supporting the most vigorous system of honor-
able war, with the hope of bringing the enemy
to a sense of justice. Mr. H. was satisfied that
nothing more was necessary to make the war
national than to convince the people that an
honest and fair effort had been made to obtain
peace, and it had been denied upon terms mu-
tually honorable. From that moment it ceased
to be a party war, and of necessity became na-
tional. Mr. H. said he too well knew the party
with which it had been his pride and happiness
to act, to doubt of their determining to bear a
just share of the sacrifices to be incurred in

defending the honor of the nation in a war that
becomes just. Forgetting, as far as possible,
their objections to the Administration; stifling
their complaints as far as might be against the
party that supports it; sacrificing all minor
considerations; endeavoring to bury in oblivion
the numerous wrongs inflicted upon their party;
omitting, to every proper extent, a retrospect
of the past, and looking to the present and the
future, for the purpose of staunching the bleed-
ing wounds of their country, they would stand
forth in this her hour of peril, in asserting and
maintaining her established rights and honor.

Mr. OAKLEY, of New York, said that it was
not necessary for him on this occasion to reiter-
ate the sentiments of his honorable friend, (Mr.
HANSON.) His friend, he was confident, had
expressed the feelings and opinions of those
gentlemen with whom he was accustomed to
act, on the nature and character of the demands
and pretensions of the British Government, as
developed in the despatches just read to the
House. He did not hesitate, in the fullest man-
ner, to declare, that those demands and preten-
sions were utterly inadmissible under any cir-
cumstances. But, Mr. O. said, while he made
this declaration, and while he felt, in common
with all gentlemen, the conviction that there
could be but one sentiment in the nation, as to
the necessity of resisting, by all the means in
our power, the unjust and arrogant claims of
the enemy, he felt bound to remark, that he
could never forget by whom and upon what
grounds the nation had been involved in this
war, upon the issue of which were now staked
the essential rights and honor of the country.
The character given by the enemy to the war,
had put at hazard these rights and that honor,
and they must now be vindicated at an incalcu-
lable expense of treasure and blood. Mr. O.
said it was notorious, that, at the commence-
ment of the war, a great portion of the people
of this country thought it rash and unnecessary.
If the Administration had been willing to make
peace on terms which could be expected to unite
the approbation of the nation, they must have
been prepared to abandon some of the grounds
on which it had been declared. Their conduct
in the late negotiation could not be properly
estimated until the instructions to our Commis-
sioners are laid before the House. This, Mr.
O. said, he perceived was to be done. It would
then appear how far they had thought it im-
portant to maintain the grounds on which they
had deemed it expedient to commence a war;
the conclusion of which was not now within
their control, and appeared to be removed to a
hopeless distance.

The motion to print ten thousand copies was
agreed to.

TUESDAY, October 11.

Another member, to wit, from New York,
ABRAHAM HASBROUCK, appeared, and took his
seat.

Honors to the Brave.

The House again resolved itself into a Committee of the Whole, on the resolutions expressive of the sense entertained by Congress of the gallantry and good conduct with which the reputation of the arms of the United States has been sustained by Major Generals Brown, Scott, and Gaines, and Brigadier General Macomb. These resolutions were yesterday amended in committee by the insertion of the names of Generals P. B. Porter, Ripley, and Miller. These amendments were, after considerable debate, confirmed by the House. The resolution approbatory of the conduct of Brigadier General Macomb was also amended, on the motion of Mr. SHIPARD, of New York, by adding thereto the names of Major General Mooers of the New York militia, and Major General Strong of the militia of Vermont.

The resolutions thus amended, were ordered to be engrossed for a third reading—Ayes 98.

Library for Congress.

The House resolved itself into a Committee of the Whole on the resolution authorizing the Library Committee of Congress to contract for the purchase of the library of Mr. Jefferson.

The letter of Mr. Jefferson to Samuel H. Smith, Esq., offering the library to Congress on their own terms and their own time of payment, to replace in some degree the loss sustained in this respect by the recent invasion, was read. The letter states that the collection has been the work of fifty years and of great care and attention (and said to consist of ten thousand volumes)—a collection which he had designed, at his death, to have offered the refusal of to Congress—but this intention, the letter states, is hastened by the recent events, as the few years yet left to him would afford him but a barren use of this extensive and valuable library.—[For which letter see Senate proceedings, ante page 298.]

WEDNESDAY, October 12.

Mr. PLEASANTS, of Virginia, from the Committee of Naval Affairs, reported without amendment the resolution from the Senate in honor of Captain Macdonough, his officers and crew; and they were made the order of the day for to-morrow.

The resolutions expressive of the high sense entertained by the Congress of the United States of the gallantry and good conduct with which the reputation of the arms of the United States has been sustained by Generals Brown, Scott, Gaines, Ripley, and Miller, of the Army, and General P. B. Porter of the New York militia, and General Macomb of the Army, were read a third time, as amended.

A message was received from the Senate informing the House that they had passed a joint resolution relative to the capture of the British sloop of war L'Epervier by the Peacock; which resolve was twice read, and referred to the Committee on Naval Affairs.

THURSDAY, October 13.

Mr. EPPES, of Virginia, gave notice that he should to-morrow call up the report of the Committee of Ways and Means on the additional taxes.

Honor to the Brave.

Mr. TROUP, of Georgia, from the Military Committee, reported the resolutions, yesterday referred to them, in the following amended form:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and they are hereby presented to Major General Brown, and through him to the officers and men under his command, for their gallantry and good conduct in the successive battles of Chippewa, Niagara, and Erie, in Upper Canada, in which British veteran troops were beaten and repulsed by equal or inferior numbers, and that the President of the United States be requested to cause a gold medal to be struck, emblematical of these triumphs, and presented to Major General Brown.

Resolved, That the President of the United States be requested to cause a gold medal to be struck, with suitable emblems and devices, and presented to Major General Scott, in testimony of the high sense entertained by Congress of his distinguished services in the successive conflicts of Chippewa and Niagara, and of his uniform gallantry and good conduct in sustaining the reputation of the arms of the United States.

Resolved, That the President of the United States be requested to cause silver medals to be struck, with suitable emblems and devices, and presented to Brigadier General Ripley, Brigadier General Miller, and Brigadier General Porter, in testimony of the high sense entertained by Congress of their gallantry and good conduct in the several conflicts of Chippewa, Niagara, and Erie.

Resolved, That the thanks of Congress be, and they are hereby presented to Brigadier General Gaines, and through him to the officers and men under his command, for their gallantry and good conduct in defeating the enemy at Erie, on the 15th of August, repelling with great slaughter the attack of a British veteran army superior in numbers, and that the President of the United States be requested to cause a gold medal to be struck, emblematical of this triumph, and presented to Brigadier General Gaines.

Resolved, That the thanks of Congress be, and they are hereby presented to Brigadier General Macomb, and through him to the officers and men under his command, for their gallantry and good conduct in defeating the enemy at Plattsburg, on the 11th of September, repelling with 1,500 men, aided by a body of militia and volunteers from New York and Vermont, a British veteran army greatly superior in number, and that the President of the United States be requested to cause a gold medal to be struck, emblematical of this triumph, and presented to Brigadier General Macomb.

The report was accepted without opposition, and ordered to be read a third and last time to-day. [But, before it could be engrossed for that purpose, the House had adjourned.]

The Battle on Lake Champlain.

The House, on motion of Mr. PLEASANTS, of

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Removal of the Seat of Government.

[H. OF R.]

Virginia, resolved itself into a Committee of the Whole on the resolutions from the Senate, expressive of the sense of Congress of the importance and brilliancy of the decisive victory obtained by Commodore Thomas Macdonough and his brave officers and men.

The resolutions having been read—

Mr. PLEASANTS, of Virginia, said, before the question was taken upon the resolutions, he would take the liberty of submitting to the consideration of the committee a few remarks. Whatever, said he, may be the difference of opinion among us, as to the manner or the measure of approbation which we will bestow upon our land officers and soldiers, I believe there is but one sentiment as to our seamen. Fortunately for our country, the occasions of just and honorable eulogium upon them have been so frequent, that the practice is fully settled, the precedents completely established. The subject of the resolutions before you, is the victory obtained by Commodore Macdonough and his gallant comrades on Lake Champlain, over a superior British squadron, on the memorable 11th of September last—a victory in itself equal to any one which has been achieved by our navy; in its consequences certainly surpassed by none. A view of the relative strength of the two squadrons will convince us that this victory was in itself equal to any one which has preceded it. It is sufficient to observe, that in almost every particular, perhaps in every one, the advantage was on the side of the enemy. The action was commenced by him in the fullest confidence of success. He chose his own time; he took his own distance; he was animated by the presence of a great army, spectators of the contest. He was stimulated by that spirit of emulation which never ceases to exist between the Army and Navy. He had every reason to believe that, upon the successful issue of the naval contest, depended the successful issue of the campaign. Thus situated, and thus wrought upon by motives so powerful, he would probably have been successful had he not been opposed by men actuated by feelings of a character somewhat different, but perhaps of still more powerful influence. The Americans were, in every sense of the word, fighting for their country. That country was likely to fall under one of the severest scourges to which any country can be exposed. The city of Washington had just before fallen a prey to the invaders—there was good reason to believe that Baltimore was on the eve of destruction—perhaps destroyed. The determination to lay waste and destroy all the assailable parts of our country had been announced in form. A ferocious determination, sir! Adopted, we are assured, at the special instance of the Governor of Canada. A combination of more powerful incentives to exertion has seldom addressed itself to the human mind. Under its influence our brave countrymen fought; and under its influence they conquered. The consequences of their victory are known to all united America. To

recite them would be superfluous; I shall not undertake it, sir. All I ask is, and I ask it with pleasure, because I am sure I shall receive it, the undivided sentiment of this House in favor of the resolutions.

No opposition or amendment being made, the resolutions were reported to the House, and ordered to a third reading; and were accordingly read a third time, and passed by a unanimous vote.

Removal of the Seat of Government.

Mr. FISK, of New York, from the select committee to whom the subject was referred, reported a bill for the temporary removal of the Seat of Government from the city of Washington.

Mr. FORSYTH, of Georgia, having objected to the second reading of the bill—

Mr. RHEA, of Tennessee, moved to reject the bill, and thereon demanded the yeas and nays. The reason he assigned for it was, that instead of being engaged on a subject of this kind, the House ought to be engaged in matters of high importance, in which the destinies of the nation are involved. He would call the attention of gentlemen to the despatches from Europe, which, he thought, would clearly indicate that other objects than this ought to occupy the attention of the House.

Mr. GROSVENOR, of New York, said he most sincerely regretted that this course had been taken with the bill. If gentlemen were friends to this District, if they wished the question decided in such a way as would quiet the minds of the people of the District, they ought to refrain from pushing this question now, when many were absent who did not expect it to come on. If, when all the members were present, there should appear to be a majority against the bill, the question would be fairly settled; but a surprise of this sort could not decide it.

Mr. FORSYTH, of Georgia, said, so far as he was personally concerned, he denied the imputation of intending to obtain a vote by surprise; he was not operated upon by any such consideration. He was not, he said, peculiarly a friend to the people of this District; it was not on their account he was opposed to the bill. It was the intrinsic importance of this question to the nation at large, that demanded his attention. It was necessary this question should be settled, and promptly settled. He had no idea that any member could be taken by surprise, and he was indeed surprised at the remark. This question had been amply discussed, and there was nothing to be said on the subject, &c.

Mr. FISK, of New York, said he very much regretted that this motion had been submitted to the consideration of the House. The principles of this bill had been more than once before the House, who had decided in favor of the removal; and it could not be expected they were now prepared to reject the bill. The exposure of this place and the expense of sitting here were

as great now as they had been before. As to the argument that time will render this place secure, Mr. F. said he would answer the gentleman, for the enemy, as a French marshal had once replied to some such remark, that he would not consult the enemy as to the time or place of meeting him. Mr. F. said we were now situated four hundred miles from the most important seat of war, with which daily and expeditious communication was all-important, as well to the facility of supplies as to the combination of movement and action, &c. The increase of expense thus incurred, he said, amounted to a greater sum than would the cost of removal of the public offices to Philadelphia or New York. To brave all these inconveniences merely in consideration of the interests of the people of this District, would be to pervert the constitutional provision which gives Congress exclusive legislation over the District, and instead of that, would be giving to the District the control over Congress. Mr. F. said he viewed the interests of the citizens of this District with the same consideration as he did those of all other citizens; but they had, he presumed, too much good sense and patriotism to ask Congress, merely out of regard to their personal views, to compromise the national interests. They were not to be ruined, either, by a permanent removal; for the bill itself provided for the return of Congress to this place after the war. Congress would be equally exposed, and require the same expenditure for their protection, at every session during the war as they were now. Gentlemen had said the enemy would not come here now, because they could find no object. It had been supposed that the enemy could have no object in coming here before, but he had come. Was it not necessary, not only that the members should feel themselves secure from personal danger, but also from fear of interruption? Should not the creditors of the Government be satisfied of the safety of Congress? And when we speak of them, said Mr. F., let us not pass them over with a bare mention. On whom must we rely for the support of our finances—for the sinews to carry on the war? Where are the moneyed men? Are they here? He meant by this no invidious distinctions. The gentleman from North Carolina (Mr. MACOX) had the other day called the attention of the House to the character of the votes for removal, which were all from the North and East—from the moneyed men who wielded the capital of the nation. Let gentlemen reflect that these men would not advance their money with the same confidence to the Government at this place as if it were removed.

Mr. NEWTON, of Virginia, said he did not rise to discuss this question, because he was satisfied the House was prepared to decide on it. He rose only to ask the gentleman to be kind enough to answer him one question. The faith of the nation is to be pledged for the money which must be obtained for the support of Government.

Will not the pledge to be given in Washington be as valuable as any which could be given in Philadelphia? Will a removal increase the ability of a nation to meet the demands against it? It is not so. The Government is as competent to all such purposes here as it could be in any other city.

Mr. STROCKTON, after desiring a call of the House, (which was not in order,) moved an adjournment, and called the yeas and nays thereon, in order to ascertain what members were absent.

The yeas and nays having been so taken, there were for adjournment 40, against it 108.

Mr. STROCKTON then said, as eight or nine members appeared to be absent, he should move to postpone the further consideration of the bill till to-morrow.

On this motion Mr. RHEA required the previous question, which was not sanctioned by a sufficient number to take it.

Mr. RHEA said he was anxious to see this question at rest, and would, therefore, make a motion to supersede that now before the House, and give gentlemen as much procrastination as the most anxious for that course could desire. He, therefore, moved to postpone indefinitely (tantamount to a motion to reject) the bill. He had no other object in view than to get rid of the subject.

Mr. STANFORD, of North Carolina, then made a motion (superseding all the others) that the bill and all the motions should lie on the table; which motion was agreed to, yeas 94.

FRIDAY, October 14.

Two other members, to wit: from Massachusetts, JAMES PARKER; and from Virginia, JAMES JOHNSON, appeared, and took their seats.

Peace Negotiations.

Before any further business was done, a Message was received from the President of the United States, transmitting a number of documents; on opening which, the SPEAKER ordered strangers to be excluded the House. The doors remained closed until half past two o'clock. When they were again opened, it appeared that the Message embraced the instructions to our Ministers now in Europe, which the President announced his intention to communicate to Congress. They were, with the exception of a few passages deemed improper for publication, ordered to be printed.

SATURDAY, October 15.

Two other members, to wit: from New Hampshire, DANIEL WEBSTER; and from Connecticut, TIMOTHY PITKIN, appeared, and took their seats.

A new member, to wit, from Tennessee, NEWTON CANNON, elected to supply the vacancy occasioned by the resignation of Felix Grundy, appeared, was qualified, and took his seat.

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Mr. Jefferson's Library.

[H. OF R.]

Removal of the Seat of Government.

Mr. LEWIS, of Virginia, called up for consideration the bill for the temporary removal of the Seat of Government from the city of Washington.

The question for rejection of the bill came first in order, and was stated from the Chair.

Mr. REEA, of Tennessee, replied to some of those reasons.

The question on the rejection of the bill was then put and negatived, by the following vote: for the rejection 76, against it 79.

The bill was then read a second time, and referred to a Committee of the Whole; and the House immediately resolved itself into a Committee of the Whole on the said bill, it having been made the order of the day for to-day, in preference to Monday, by a majority of 86 to 65 votes.

Mr. FISK, of New York, moved to fill the blank for the place of removal with Philadelphia.

Mr. LEWIS, of Virginia, moved to fill it with Georgetown.

Mr. LEWIS, and Mr. HOPKINS, of Kentucky, spoke against the insertion of Philadelphia, and Mr. PICKERING in favor of it.

The motion to insert Philadelphia was agreed to by a large majority: and the other blanks in the bill were filled up.

Mr. LEWIS, of Virginia, then moved to insert the following section as an amendment to the bill:

"And be it further enacted, That the annual sum of one hundred thousand dollars be, and is hereby, appropriated, for the term of five years, to be applied, under the direction of the President of the United States, for the erection of suitable buildings within the city of Washington, for the accommodation of the President of the United States, the two Houses of Congress, and the several Departments of the Government, and that the same shall be paid annually to the order or orders of the President of the United States."

After much interesting debate this motion was agreed to, ayes 95.

The committee rose, and reported the bill with the amendments, which were also concurred in by the House.

And the question was then put, "Shall the bill be engrossed and read the third time?" and decided as follows:

YEAS.—Messrs. Alexander, Alston, Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Bradley, Brigham, Brown, Butler, Caldwell, Champion, Cilley, Clark, Condict, Conard, Cooper, Cox, Creighton, Crouch, Davenport, Davis of Pennsylvania, Denoyelles, Desha, Duval, Ely, Fisk of New York, Geddes, Gourdin, Grosvenor, Hasbrouck, Hulbert, Ingersoll, Irwin, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lovett, Markell, Miller, Moffit, Mosely, Oakley, Ormsby, Pickering, Piper, Pitkin, Post, Potter, John Reed, Rea of Pennsylvania, Rich, Ruggles, Schureman, Seybert, Sharpe, Sherwood, Shipard, Skinner, Smith of New York, Stockton, Sturges, Taggard, Taylor, Thompson, Udree,

Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, Wilcox, and Winter—74.

NAYS.—Messrs. Archer, Avery, Barbour, Bard, Barnett, Bayly of Virginia, Bowen, Burwell, Cannon, Chappell, Clopton, Comstock, Crawford, Calpeper, Cuthbert, Dana, Earle, Epes, Evans, Farrow, Findlay, Fisk of Vermont, Forney, Forsyth, Franklin, Gaston, Gholson, Glasgow, Goldsborough, Goodwyn, Griffin, Hall, Hanson, Harris, Hawes, Hawkins, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford, Irving, Jackson of Virginia, Johnson of Virginia, Johnson of Kentucky, Kennedy, Kent of Maryland, Kerr, Kershaw, King of North Carolina, Lefferts, Lewis, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Montgomery, Moore, Nelson, Newton, Parker, Pearson, Pickens, Pleasants, Rhea of Tennessee, Ringgold, Roane, Robertson, Sage, Sevier, Smith of Virginia, Stanford, Strong, Stuart, Tannehill, Telfair, Troup, White, Wilson of Pennsylvania, Wright, and Yancey—83.

[*Absent on this vote.*—Mr. Anderson, from indisposition; Messrs. Caperton, Ingham, Murfree, on leave; Messrs. Breckenridge, Calhoun, Davis of Massachusetts, Hale, Hopkins of New York, Howell, Kilbourn, Reed, Ridgely, Sheffey, Smith of Pennsylvania, Tallmadge, Williams, Wilson of Massachusetts, and Wood, who have not attended at the present session.]

So the House determined that the bill should not be engrossed for a third reading; in other words, that it should be rejected.

MONDAY, October 17.

Two other members, to wit: from Massachusetts, JOHN WILSON, and from Pennsylvania, ISAAC SMITH, appeared, and took their seats.

Mr. Jefferson's Library.

The House resolved itself into a Committee of the Whole, Mr. LEWIS in the Chair, on the resolution from the Senate authorizing the Library Committee to contract for the purchase of Mr. Jefferson's library.

Mr. OAKLEY, of New York, moved so to amend the resolution as to leave it open to the Library Committee to contract for the purchase of a library for the use of Congress.

On this motion considerable desultory debate took place; the purchase of Mr. Jefferson's library being opposed by Messrs. OAKLEY, JOHN REED, and GROSVENOR, and advocated by Messrs. WRIGHT, SEYBERT, ROBERTSON, HAWKINS, and FORSYTH.

The objections to the purchase were generally its extent, the cost of the purchase, the nature of the selection, embracing too many works in foreign languages, some of too philosophical a character, and some otherwise objectionable. Of the first description, exception was taken to Voltaire's works, &c., and of the other to Calender's Prospect Before Us.

On the other hand, those who advocated the purchase proposed to be made, contended that so valuable a library, one so admirably calculated for the substratum of a great national library, was not to be obtained in the United States; and that, although there might be some

Upon the principles and regulations of the National Bank, it may be sufficient to remark, that they will be best unfolded in the form of a bill, which shall be immediately prepared. A compound capital is suggested, with a design equally to accommodate the subscribers, and to aid the general measures, for the revival of public credit; but the proportions of specie and stock may be varied, if the scarcity of coin should render it expedient; yet not in so great a degree as to prevent an early commencement of the money operations of the institution.

4. The estimates of receipts from established sources of revenue and from the proposed new duties, and the estimates of expenditures, on all the objects contemplated in the present communication, have been made upon a call so sudden, and upon materials so scattered, that it is not intended to claim a perfect reliance on their accuracy. They are, however, believed to be sufficiently accurate to illustrate and support the general plan for the revival of the public credit, the establishment of a permanent system of revenue, and the removal of the immediate pressure on the Treasury.

Upon the whole, sir, I have freely and openly assumed the responsibility of the station in which I have the honor to be placed. But, conscious of the imperfections of the judgment that dictates the answer to the important inquiries of the Committee of Ways and Means, I derive the highest satisfaction from reflecting, that the honor and safety of the nation, for war, or for peace, depend on the wisdom, patriotism, and fortitude of Congress, during times which imperiously demand a display of those qualities in the exercise of the Legislative authority. I have the honor to be, &c., A. J. DALLAS.

J. W. EPPES, Esq., *Chairman, &c.*

Congressional Library.

The resolution authorizing the Library Committee of Congress to contract for the purchase of the library of Mr. Jefferson, was again resumed.

The amendment proposed yesterday, going to limit the sum to be given for the library to twenty-five thousand dollars, being yet under consideration.

The discussion which commenced yesterday was to-day continued with considerable vivacity.

The amendment was opposed by Mr. FORSYTH, and supported by Messrs. OAKLEY of New York, PICKERING and JOHN REED of Massachusetts.

Mr. HULBERT, from Massachusetts, it ought to be mentioned particularly, being his first essay in this House, in a very ingenious and handsome speech, opposed the amendment and advocated the purchase of the library.

The debate before its conclusion became rather too animated, and being checked by the Speaker, the question was permitted to be taken. There appeared to be on the yeas and nays, for the amendment 37, and against it 103.

Mr. PICKERING moved an amendment, in substance the same as that moved yesterday by Mr. OAKLEY and negatived; the object of which was a selection of part of the library.

The amendment was negatived by yeas and nays—52 to 96.

An amendment was then adopted, on motion of Mr. OAKLEY, requiring the sanction of Congress to the agreement for the purchase of the library, before it should become binding. And, thus amended, the resolution was ordered to a third reading.

WEDNESDAY, October 19.

Another member, to wit, from South Carolina, JOHN C. CALHOUN, appeared, and took his seat.

Peacock and Epervier.

The House resolved itself into a Committee of the Whole, on the resolution from the Senate expressive of the sense of Congress relative to the victory of the Peacock over the Epervier. The resolution having been read—

Mr. PLEASANTS, of Virginia, (the Chairman of the Naval Committee,) said it was not his intention to detain the committee by any extended remarks on this subject. The action to which this resolution referred, more particularly, perhaps, than any which preceded it, demonstrated the superiority of American gunnery. To show this, Mr. P. quoted Captain Warrington's letter to the Secretary of the Navy announcing the victory; and inferred from it that no action had ever taken place, between vessels of any thing like equal force, in which there had been so great a disparity of execution. He hoped the resolve would be unanimously adopted.

No objection being made or amendment proposed, the committee rose and reported their agreement to the resolve, which was ordered to a third reading; and was accordingly read and unanimously passed.

THURSDAY, October 20.

Public Buildings.

Mr. LEWIS, of Virginia, said, the House having decided that Congress should not remove from this place, he thought it proper some steps should be immediately taken towards making a provision for the better accommodation of the different Departments of the Government. With this opinion he moved the following resolution:

Resolved, That the Committee of the District of Columbia be instructed to inquire into the expediency of rebuilding or repairing the President's House, the Capitol, and Public Offices, and into the expenses necessary for that purpose; and whether the public interest or convenience would be promoted by any change or alteration of the sites of said buildings.

Military Marine.

The House resolved itself into a Committee of the Whole, on the bill requiring staff officers of the Army to comply with the requisitions of marine and naval officers in certain cases.

Mr. PLEASANTS, of Virginia, explained the object of the bill, as indicated by the title, and

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Ways and Means.

[H. OF R.]

quoted a letter from the Secretary of the Navy, recommending its adoption.

Mr. WRIGHT, of Maryland, expressed his wish, whilst this subject was under consideration, that the subject should be thoroughly arranged; and, with that view, that a provision should be incorporated, settling the relative rank of naval to land officers, when employed, as they frequently are, in the land service.

Mr. PLEASANTS assented to the propriety of such an amendment; and with that object, moved that the committee now rise, and obtain leave to sit again, to allow time to digest such an amendment as would be proper.

The committee rose accordingly.

Mr. TROUP, of Georgia, suggested the expediency of a proper understanding on this head, between the Heads of the War and Navy Departments, and some reciprocal provision for mutual accommodation of land and naval officers, when out of their peculiar element, &c. Some amendment of this kind might well be incorporated when the bill should again come under consideration.

Leave was given to the Committee of the Whole to sit again on said bill.

Relief of Commodore Barney.

The House resolved itself into a Committee of the Whole, on the bill for the relief of the officers, petty officers, and seamen, under the command of Commodore Joshua Barney.

Mr. PLEASANTS stated the object of this bill to be, to compensate the officers and men of the flotilla, for the loss of their clothes sustained by the sudden destruction of the flotilla to prevent its falling into the hands of the enemy. Mr. P. adverted also to their good conduct in the defence of this place, and on every other occasion, and to the peculiar hardships of their service, &c.

Mr. WILLIAM REED, of Massachusetts, renewed the motion to insert, instead of the reason now assigned for this grant, the words, "in reward for the extraordinary bravery displayed by them in the battle of Bladensburg, on the 24th August."

This motion Mr. R. afterwards modified, on the suggestion of Mr. LOWNDES, of South Carolina, so as to read, "in consideration of their gallantry and good conduct, and of the unusual hardship of their service."

On these several motions considerable debate took place, in which Messrs. WRIGHT, PLEASANTS, POST, STUART, GOLDSBOROUGH, KING, and REED, of Massachusetts, LOWNDES, of South Carolina, JACKSON, of Virginia, PICKERING, and TAYLOR, of New York, took part.

The objection to the bill as it now stood was, that it would afford an injurious precedent for all such cases of loss of clothing by seamen, which frequently occurred, whilst all appeared to agree that these men, by their general good conduct, particularly in the battle of Bladensburg, merited the notice of Government. It was said by General Stuart that the men had

sufficient notice to have saved their clothing; and the enemy's force was not nearer than a day's march, when orders were given to blow up the flotilla. The same gentleman also took occasion to observe, that he believed if the flotilla had never been brought up the Patuxent, this place would never have been attacked, and the public buildings would still have been standing. It was this flotilla which had caused the recent invasion of Maryland.

It was said, on the other hand, that giving pecuniary rewards for bravery, as was proposed to be done in this case by those who opposed the bill as it stood, would afford a precedent, if pursued, which would soon empty the treasury. The case of these men, it was said, was far different from ordinary cases of loss of clothing. They had, since the 22d of August, the day the flotilla was destroyed, been engaged in the most arduous service which could be found, and had to sleep on the bare ground, without blankets, and scarcely clothes to their backs, having lost all they had, &c. As to the flotilla causing the invasion of Maryland, Mr. PLEASANTS said they had had no flotilla in the waters of Virginia, and yet they had suffered there quite as much from the depredations of the enemy as they had in Maryland, &c.

Before the question on amendment was taken, a motion was made by Mr. TAYLOR, of New York, to lay the bill on the table. There were for the motion 66, against it 59.

So the bill was laid on the table.

SATURDAY, October 22.

Another member, to wit, from Ohio, JAMES KILBOURN, appeared, and took his seat.

Mr. EPPES, from the Committee of Ways and Means, reported a bill authorizing a loan for a sum not exceeding — dollars; which was read twice, and committed to a Committee of the Whole on Tuesday next.

Ways and Means.

The House again resolved itself into a Committee of the Whole on the report of the Committee of Ways and Means.

The resolution for increasing the tax on spirits distilled being still under consideration, and Mr. FISK's motion to insert twenty-five cents per gallon (in addition to the present tax on the capacity of the still) being the question immediately before the committee—

Mr. BAYLY said there was a difficulty in voting for the proposition before the committee, until they had decided the principle by which the tax should be raised—whether entirely upon the capacity of the still, as the law now is, or upon the product of the still, or upon both, as the Committee of Ways and Means had recommended. I consider, said Mr. B., as I always have, this article as a necessary and proper subject of taxation; but, as the best manner of laying and collecting the tax, to make it productive to the Treasury and agreeable to the people, I

differ from the honorable Chairman of the Committee of Ways and Means. It is not probable that any system of taxation could be formed that would please all parts of the United States; and in discussing a tax which will be paid by some States, or parts of States, more than other States, we ought to remember that there are other articles in this report proposed to be taxed, which will balance and equalize the burden, so that, taking the whole system, there will be no cause of complaint by any other State, of paying more into the Treasury than their proportion. It is admitted by all that the tax will be paid almost entirely by the consumer, and that, whenever a high duty was laid upon any article, the price would therefore be raised in the market. It would seem, that, as the Army and Navy of the United States consume much of domestic spirits, they would in fact raise the price in the market, and thereby enable the distiller to advance the tax, which would eventually be paid by the United States. But this tax may be so heavy as to put down some of the distilleries, (especially the small ones,) and the revenue from this article thereby fail; and Congress ought to be cautious that they do not tax the article so as to destroy the contemplated revenue which they expect to derive from it. But, I cannot agree to this double mode of taxing the capacity of the still and the product. I am opposed to the present tax upon the capacity of the still; it is unequal and inconvenient. The Secretary of the Treasury states the tax now established by law, equal to a duty of five cents a gallon on the spirits distilled. With some distilleries, this may be the case; and distilleries on a large scale, and in great perfection, perhaps, it will not amount to more than two and a half cents on the gallon distilled. In small distilleries, such as are used by farmers, it will amount to not less than ten cents, and often fifteen. It was inconvenient, because the farmer was compelled to be at much trouble in obtaining the license, which he could not obtain for a shorter time than two weeks, although he might not have a use for his still half that time. The only reason the honorable chairman of the Committee of Ways and Means gave for continuing the present tax, was, that it would be a guide by which the collector might detect fraud, when committed by the distiller. But, the collector must know the industry and skill of the distillers, (which would be difficult,) or his knowledge of the size of the still would be useless. The collector might often raise groundless suspicions of fraud in the revenue, which would inflame and irritate the public mind against the tax, without obtaining one cent into the Treasury, which it is the duty of Congress to avoid. Mr. B. believed that fraud would very seldom be practised, and would not materially affect the revenue. The duties on all imported spirits are and have been very light; yet, the American merchant held as exalted a character for honesty as the merchant of any country; and surely the farmer might with equal safety be

trusted. Mr. B. wished the direct and excise taxes would be left as the last subject of taxation reported by the Committee of Ways and Means; that, after ascertaining what might be raised from other objects, we might return to them, and make up the deficiency from them. The taxes upon cotton manufactures, furniture, leather, hats, shoes, watches, &c., are very objectionable. They will disturb the public mind, now more than sufficiently excited, and thereby weaken the Government more than the taxes which they will produce will strengthen the Treasury. The excise and direct taxes upon equal and fair principles, were always favorite taxes with him, and the best internal taxes under a popular Government; they were certain, easy of collection; and the people, knowing that they had to pay for the support of their Government, would examine into all extravagant expenditures. But, when the money is drawn from the people by indirect means, they give themselves little or no trouble to inquire how it is expended. If the Treasury had been supported partly by a direct tax, it is not probable that the people had suffered their commerce to be destroyed by your non-intercourse restrictions and embargoes, and thereby lose the revenue from our foreign trade, which must have been supplied in part by taxes on land, their Treasury never would have been emptied by schemes and experiments, nor would this war have existed. Mr. B. observed, that no man was more averse to this war than he was, and it was well known that he was opposed to the Administration; but, opposed as he was to the war and Administration, such was the danger in which the country was placed, and the character of conquest which this war had assumed on the part of the enemy, that he would not withhold the resources of the country from the Administration, but would give every aid in his power to bring it to a glorious conclusion. And he was willing that the Administration should possess all the honors gained by such a peace. He did not agree with the most of his friends with whom he acted, that the campaign now drawing to a close was inglorious to our arms. It is true, that, at the commencement of the war, the Navy far outshone the Army; and the reason is obvious; our small and gallant Navy was manned by sailors who had been long accustomed to danger, and, as soon as they were on board the ship, they were ready for action. Not so with the Army. Time was required to form the recruit into a useful soldier. Our armies are now formed, and are equal in discipline and courage to our enemy, as this campaign has proved. He would, therefore, impose taxes upon such articles as would be paid by the community without complaint, and draw a safe and productive revenue into the Treasury; and he was persuaded they would be cheerfully paid, when the people were satisfied that they were necessary to their safety. But the honorable gentleman from Kentucky, (Mr. McKee,) and his honorable colleague, (Mr.

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EPPEs,) are opposed to a great increase of the excise and direct tax, because they bear harder upon Kentucky and Virginia than some other States now advocating these taxes. Before this war, the Eastern States paid more than a proportion of taxes to the General Government, by the aid of their extensive commerce, which is now gone. Their ships and fisheries are destroyed, and it may be recollected that this war is the cause, which Kentucky and Virginia had a great agency in producing. If, then, by raising the money to carry on this war, it should be found that these States paid a fraction more than other States, they ought to pay it with cheerfulness.

The question on Mr. Fisk's motion to insert twenty-five cents per gallon was then decided in the negative. For the motion 57, against it, 64.

The question was then taken on the motion of Mr. EPPEs to insert fifteen, and decided as follows: For the motion 68, against it 62.

So the House resolved that an additional duty on distillation of fifteen cents per gallon on the product of the still, ought to be laid.

The committee then rose and reported the two resolutions agreed to in committee, and asked and obtained leave to sit again on the remainder of the report.

MONDAY, October 24.

Another member, to wit, from New Hampshire, WILLIAM HALE, appeared, and took his seat.

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The House then resolved itself into a Committee of the Whole, on the remainder of the report of the Committee of Ways and Means.

The third resolution came first next under consideration, in the following words:

Resolved, That it is expedient to add one hundred per cent. on the present duty on sales at auction.

Some conversation took place between Mr. WRIGHT, of Maryland, and Mr. EPPEs, of Virginia, as to the equality of the general system of taxation proposed.

Mr. FISK, of New York, moved to amend the motion by striking out one hundred and inserting fifty per cent.; under the impression that the proposed increase would have the effect, by throwing sales into the hands of commission merchants, to diminish the present product of the tax.

Mr. EPPEs made some observations in reply. He saw no reason why, when other taxes were to be so generally increased, this item should be excepted.

Mr. JOHNSON, of Kentucky, made some observations to show the extreme inequality and oppressiveness of the additional tax on distillation, compared with any other tax proposed, which he said, by the way, would, he feared, operate nearly as a prohibition of that manufacture. He was surprised, after gentlemen had so strenuously insisted on the enormous increase

of that tax, that they should oppose the paltry increase of the tax now proposed.

Mr. POST made a statement to show that the increase of the tax would not increase the revenue at all. The only taxes, he appeared to conceive, on which solid reliance could be placed, to insure the requisite amount of revenue, were the land tax and the whiskey tax. The consumption of whiskey, he argued, would not be diminished essentially if it were taxed a hundred, instead of fifteen cents per gallon; and, whatever was the amount of that tax, it eventually came out of the pocket of the consumer, though immediately paid by the manufacturer.

Mr. ROBERTSON, of Louisiana, expressed his regret at the sectional discussion of the taxes. He entreated gentlemen to abandon their local objections to the various taxes, as he should himself do. The State which he represented paid much more than a due proportion, according to its representation, of the internal taxes. But no system of taxation could ever be carried into effect in this country without a reciprocal spirit of compromise, which he therefore hoped to see superseding the local feelings which were displayed on this occasion.

Mr. WRIGHT said, so far from entertaining any sectional feeling on this occasion, he was prepared to agree to the whole system proposed by the Secretary of the Treasury; but protested against dividing it, and taking it by piecemeal.

The question on Mr. FISK's motion was decided in the negative by a considerable majority; and the original resolution was adopted.

The fourth resolution, "that it is expedient to add fifty per cent. to the present duties on the conveyance of papers and letters," was next considered, and having been amended, on motion of Mr. EPPEs, by striking out fifty and inserting a hundred per cent., it was agreed to without debate.

The next resolution, "that the carriage tax ought to be increased, and a duty on plated harness so imposed as to produce double the amount of the present duty on carriages," was agreed to.

The next resolution that came under consideration was, that "it is expedient to class the retailers of wines, spirituous liquors, and foreign merchandise, and impose an additional duty thereon of fifty per cent."

Mr. POST vehemently objected to this tax as applying exclusively to one class of the community.

Mr. WRIGHT and Mr. EPPEs replied; and the resolution was agreed to without a division.

The next resolution which came under consideration was the following:

Resolved, That it is expedient to impose a duty on the following articles, viz: manufactured tobacco and snuff, in the hands of the manufacturer; candles, of tallow and spermaceti; hats; yarn, spun by the aid of machinery worked by steam or water; leather;

pig iron; castings; bar, rolled and slit iron; and on nails made by the aid of machinery; on furniture above a certain value, except beds, bedding, and articles of domestic manufacture, in the hands of the owner; beer, ale, and porter, in the hands of the manufacturer; boots and shoes, above a certain price, in the hands of the manufacturer; on plated harness, in the hands of the owner; on vats for the manufacturer of paper; on saddle and bridles, above a certain price, in the hands of the owner; on gold and silver watches, in the hands of the owner; on pleasure horses, kept exclusively for the saddle or carriage; on playing cards, and on lotteries."

Mr. EPPES, in pursuance of the further instructions of the Committee of Ways and Means, moved to strike out several articles of the above enumeration.

The first he moved to be stricken out was cotton yarn.

Mr. EPPES assigned as a reason for this motion the fear of destroying manufactures yet in their infancy, and information received that this manufacture was not as profitable as at first believed.

Mr. GOLDSBOROUGH, of Maryland, objected to this motion, believing that no manufacture would better bear or be more able to pay a pretty considerable tax.

The motion was decided thus: For the motion 74, against it, 46.

So cotton yarn was exempted from taxation.

The next article proposed to be stricken out was shoes.

As a reason for this motion, Mr. EPPES assigned the great difficulty of discrimination between the large manufactories, and those of an individual or domestic character.

The motion was agreed to without a division.

The next motion was to change the tax on paper vats to a tax of five per cent. on all paper manufactured. Agreed to, without opposition.

The next question was to strike out lotteries; which motion was negatived without debate.

Mr. GOLDSBOROUGH moved to strike out the furniture tax; assigning as reasons therefor its odious character, because rendering necessary valuations of property, domiciliary visits, &c.

Mr. EPPES defended the tax, and stated that no inquisitions were intended to be made into property, the amount of which was proposed to be ascertained by voluntary declaration of the possessors. He considered it a very proper tax on luxury and superfluity.

Mr. BARBOUR, of Virginia, also opposed the proposed amendment in an argumentative manner, on the grounds of policy and justice, convinced as he was of the necessity of raising a substantial revenue to supply the wants and support the credit of the Government; he was opposed to the subduction of so great a proportion of the proposed amount of taxation as the erasure of this tax would occasion. Mr. B. spoke at some length and with much ability on the subject of taxation generally.

Mr. WRIGHT supported his colleague's mo-

tion. He was opposed to the tax, as an inquisition into private property; as vexatious, if the property was valued by inspection; and encouraging immorality, if valued by assessment on the oath of the proprietors. He was opposed to it, because it would in fact operate as a tax on matrimony, from which those who lived their whole lives in violation of the first law of nature would generally be exempt. He considered it, too, in the nature of a direct tax, and which therefore ought to be apportioned according to representation.

Mr. PORTER, of Rhode Island, also advocated the motion. The property proposed to be reached by this tax belonged generally to those who have seen better times, but, by the operation of the war, are thrown out of their regular income, and are many of them obliged to sell this very furniture to supply them with bread.

Mr. GASTON, of North Carolina, also supported the motion of Mr. GOLDSBOROUGH, principally on account of the novelty of the tax, it being a tax never before laid, if ever proposed in any Government. There were other strong reasons against it, particularly the mode in which the tax must be assessed, &c. In opposing this tax, Mr. G. said he at least was not influenced by sectional motives, as it would fall as lightly on the section of country which he represented, as perhaps any other. He was opposed to any tax of a questionable expediency, because all the taxes were to be pledged to the public creditor, and would therefore be irrevocable until his demands were satisfied.

Mr. HOPKINS, of Kentucky, in reply to the argument of novelty against the tax, said, that this had been frequently called the age of experiments. Our Government itself was a novelty, which had established its utility; and there were many novelties as well of invention as policy, in our country, which reflected on it the highest honor; and he hoped this would be attended with the same result.

Mr. BRADLEY, of Vermont, opposed the tax on furniture, principally on account of its difficulty, if not impracticability, of collection, as opening the door to fraud, perjury, and favoritism.

Mr. OAKLEY, of New York, on the same side of the question, said he was opposed in principle to the tax, which he believed would not produce any thing like the estimated amount. He wished to dispense with this tax, and add the amount of it to the direct tax, or lay it on other articles.

Mr. EPPES rose to defend this tax. He had no idea, when the United States had for years collected a revenue from imports of twenty millions of dollars, on the oaths of the merchants, that they could not collect a tax of a million of dollars from property to be valued on the oaths of the possessors. As to the tax discouraging matrimony, and consequently population, he denied this operation to it; because beds, blankets, sheets, and every article essential to these objects, were exempted from tax

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ation. He denied the inequality and oppressiveness of the tax. Its novelty was an objection, which would equally apply to various others, all internal taxes being new to the Government. It was a tax the rich would pay, and the poor be exempt from; and, therefore, he was in favor of it.

Mr. Post stated that, in collecting the duties on imports, there was a collateral examination of goods entered to verify the statement made on oath; so that the gentleman was mistaken in likening the mode of collection proposed to that existing in relation to import duties. Mr. P. again insisted on the propriety of laying the whole amount of tax on the direct and distillation tax.

Mr. GASTON of North Carolina, spoke a few words in explanation, and Mr. EPPES replied.

The House then decided on Mr. GOLDSBOROUGH's motion, as follows: For the motion 51, against it 69.

So the committee determined to retain the tax proposed to be laid on furniture.

Mr. OAKLEY moved to strike out the duty on tallow candles in the hands of the manufacturer. He conceived the tax would be rendered nugatory by the increase of domestic manufacture, and the very poorest people only, those who are unable to purchase materials for making candles, will pay the tax.

The motion was negatived—40 only rising in favor of it, 66 against it.

Mr. BIGELOW, of Massachusetts, moved to strike out the article of leather. His objection was that leather was an article of first necessity, of which the poor consumed nearly as much as the rich, and which, therefore, ought not to be taxed.

The motion was negatived—30 only rising in favor of it.

The question on the resolution, as amended, was then decided in the affirmative.

The next and last resolution was in the following words:

Resolved, That it is expedient to establish a National Bank, with branches in the several States."

The House decided on this question without debate: For the resolution 66, against it 40.

The committee then reported the several resolutions as agreed to, with the amendments made thereto.

The resolution for increasing the direct tax came up for concurrence. The resolution, as reported by the Committee of the Whole, proposes to add 100 per cent. to the present amount of the direct tax.

Mr. OAKLEY moved to amend the resolve, by inserting one hundred and fifty in lieu of one hundred, so as to make the present amount of that tax 150 per cent.; in other words, to lay a direct tax for the ensuing year of seven and a half millions.

This motion was negatived: For the motion 20, against it 116.

So Mr. OAKLEY's motion was lost.

On the question to concur with the committee in amending the resolution, so as to increase the direct tax 100 per cent. on its present amount, making the total direct tax to be raised six millions of dollars—

Mr. GOLDSBOROUGH, of Maryland, opposed the tax, on the ground that the country was not adequate to pay it without oppression, if not absolute destruction.

The question on inserting 100 per cent. in lieu of 50, was decided as follows: For the amendment 100, against it 38, as follows:

YEAS.—Messrs. Alexander, Alston, Anderson, Avery, Barbour, Bard, Barnett, Bayly of Virginia, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Cannon, Chappell, Cilley, Clark, Comstock, Condict, Conard, Cooper, Crawford, Creighton, Cuthbert, Dana, Davis of Pennsylvania, Denoyelles, Desha, Earle, Farrow, Fisk of Vermont, Fisk of New York, Forsyth, Gholson, Goodwyn, Griffin, Grosvenor, Hall, Hanson, Harris, Hasbrouck, Hawes, Hawkins, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford, Ingersoll, Ingham, Irving, Jackson of Rhode Island, Jackson of Virginia, Johnson of Virginia, Johnson of Kentucky, Kennedy, Kent of New York, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, McCoy, McKee, McLean, Montgomery, Moore, Newton, Oakley, Ormsby, Pickens, Piper, Pitkin, Pleasants, Potter, William Reed, Rhea of Tennessee, Rich, Ringgold, Robertson, Sage, Schureman, Seybert, Sharpe, Sherwood, Skinner, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Thompson, Udree, Wilson of Pennsylvania, Winter, Wright, and Yancey.

NAYS.—Messrs. Baylies of Massachusetts, Bigelow, Bradbury, Brigham, Caperton, Champion, Culpeper, Davenport, Ely, Eppea, Forney, Franklin, Gaston, Goldsborough, Hale, Hulbert, King of Massachusetts, Law, Lovett, Macon, Markell, Moffit, Mosely, Pearson, Pickering, Post, John Reed, Ruggles, Shipard, Smith of New York, Sturges, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, and Wilson of Massachusetts.

The question then being on agreeing to the resolution as amended, going to increase the present direct tax, as before stated, and the yeas and nays having been demanded thereon—

Mr. WEBSTER, of New Hampshire, said, the proposition was to grant a new land tax, of twice the amount of the last. Before he gave his vote, he wished to be permitted to state the reasons which would govern and decide it. It had often happened that public bodies, or the majorities in public bodies, having the general power of adopting laws and resolutions binding on and controlling the whole, had supposed themselves capable of reducing dissenting members to a situation, in which any course of conduct pursued by them might be liable to unfavorable construction. But cases of this sort, attended with real difficulty, he thought to be rare. At any rate, the present occasion presented no such difficulty.

He did not feel himself under the necessity, either of obstructing the passage of the taxes through the House, or of taking upon himself any portion of the responsibility of laying them.

A case might arise, in which it would rest with those who have been in the minority of the House, on leading measures of Government, to say whether the supplies should be granted or withheld. Whenever such a condition of things shall happen, it will bring its own rule of action along with it. At present, no such case exists. It is not put to us who opposed the war in its origin, and have steadily reprobated the manner in which it has been prosecuted, to say now, whether a burdensome system of taxes shall be imposed on the people to replenish the exhausted Treasury. That is for those to determine, who have made the taxes necessary. Our votes are not asked for now, any more than they were upon the declaration of hostilities. It was not then left for us to say, whether there should be war. It is not left with us now to say, whether there shall be taxes. Those who took upon themselves the responsibility of the first, must bear also the responsibility of the last. And it must be presumed, that gentlemen are ready and willing to sustain the consequences of their own measures. Whoever has power to grant revenue, has also the power of directing its expenditure; and if the question of supplies or no supplies, should ever come to rest on the decision of those who have heretofore differed in opinion from the course pursued by the Administration, they then will be able to accompany the supplies with such other measures as shall insure the appropriation of the revenue to proper objects, and place its expenditure in competent hands. But if we were now to say, we will vote for the taxes, if the Administration will apply the means which we shall grant it, to proper and sensible objects, and will call to its aid, in this exigency of affairs, the most prominent men in the nation, without regard to political party or connection, we should be told—"Gentlemen, you are very obliging, but we happen to be able to carry through our taxes upon our own strength. We do not choose to submit to such terms and limitations as you propose, and must beg leave, therefore, to dispense both with your conditions and your votes."

If, he said, the taxes depended on his vote; if the Administration could show it had made fair and reasonable offers for peace, which the enemy had refused; if it would now consent to apply its means to the first great object of all Governments, the protection of the people, to carry on the war in a manner agreeable to the common sense of the community, and would endeavor to call forth the talents of the nation to aid the cause of the nation, most assuredly he should vote for whatever supplies the occasion called for. He should only be anxious in such a case to grant enough; because he did not represent those who would weigh, very scrupulously, essential national rights and national security against the price necessary for their preservation. But as no such change of system is intimated, and as the system of taxation now proposed does not depend at all for

adoption or rejection on his vote, he should hardly give what might be deemed a sanction to the measures of Government, by a general and voluntary support of its present plans of finance. At the same time he did not see that other gentlemen, equally opposed to the war with himself, and expecting as little as he did any successful issue to it, without a change, might not, nevertheless, deem the present exigency to be one, in which they were at liberty, if they so should choose, to vote for revenue, without making themselves in any degree answerable for its probable misapplication. The whole responsibility, he thought, belonged to the other side of the House. They had undertaken both to put the country into a state of war, and to get it well out again. In the former, they had succeeded; how well they will be able to perform the latter, time would show.

If it was said, continued Mr. W., that public credit depends on adopting this system of taxes, and that it cannot be refused without refusing the means of restoring public credit, he certainly hoped that gentlemen would adopt that system of finance which suited them best, as well for the restoration of the public credit, as for other purposes of Government. He did not wish to limit their choice. He only disclaimed any share in the responsibility of measures, in the production of which those whose political opinions he respected had no concern. A high public credit was one of the treasures which the country had committed to the hands of the present Administration. How they are to restore it, buried as it now is under a mass of depreciated stocks, unfilled loans, discredited Treasury notes, debts unpaid and debts unliquidated, they must determine for themselves, looking to that account to which the country may call them.

It was worth our while to inquire, how it has happened that public credit has received such a tremendous shock. Whose is the fault? When those measures were begun, which have at length brought us where we now are, the public credit of the United States was as high as that of any nation on earth. To whom are imputable the shame and disgrace of its prostration and fall? To what is it owing? Not to any deficiency in the national resources to sustain the credit of the Government. Both the Secretary of the Treasury and the Committee of Ways and Means tell us, and they tell us truly, that the real means of the nation have been abundant. If, then, the Administration received the public credit in a high and honorable condition; if the nation has at all times possessed the means of keeping it so, and the Administration has possessed, as it has, a sufficient control of these means; and if, after all, the public credit has gone to fearful wreck and ruin, who alone is answerable for such a state of things? or who can refer our present condition to any other cause than an incompetent management of the powers of Government? The basis of public credit is confidence in the national resources, in

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the duration and stability of Government, and in the competency and character of those who administer it. It is owing to no distrust of the resources of the nation, nor of the general organization and structure of the Government, that the public credit had sunk so low. The true cause of this was to be sought elsewhere. No system of taxation, merely as such, will prove an adequate remedy, especially at this late hour. Unless the Administration can court back a general confidence, not only in the wealth of the nation, but also in its own ability and the wisdom and fitness of its own measures, public credit has gone far beyond its grasp.

As to a more able or successful prosecution of the war, he professed not to be sanguine in that hope. That the people will defend themselves, with spirit, whenever attacked, admits no doubt; but as far as the prosecution of the war rests with the Government, he despaired of any change in the manner, or any difference in the result. The Administration appeared to him not to have changed its habits. It continued to go on in its old party path—to revolve round its party centre, and to draw all its heat and its light, its animation and its being, from party sources. The measure of ability with which the war had been conducted, was about equal to the measures of prudence with which it was declared; and the success of the issue, without a change of auspices, would probably be proportionate to both.

He had been struck with a paragraph in Mr. Jefferson's late letter. Speaking of the invasion of this place by the enemy, he says, he took advantage of this nation unarmed and unprepared. For the partial judgment of a friend, this is sufficiently severe. The Government took its own time to go to war. It invited the enemy to the conflict. It is attacked, two years afterward, in the centre of the nation, on the very threshold of the Capitol, and even there is found unarmed and unprepared.

The Government was indeed unprepared when it went to war. It has been unprepared ever since; and if the contest should not last more than twice as long as the war of the Greeks and the Trojans, it will come to and end before the country, upon the present system of things, will be prepared for its beginning.

A state of mere unpreparedness, however, was not exactly the whole of our case, when war was declared. There was something in it worse than that, even aside from the character of the war itself, and the opinion which one half the nation had of it.

The country had had commerce, the abundant source of its revenue. A barbarous and unrelenting series of acts of self-murder, called restrictions, had put an end to that commerce. It had had a sinking fund, containing the sustaining, redeeming principles of public credit. This was abandoned. It had a useful National Banking Institution with solid capital and on sound principles; and which had proved itself, by twenty years' experience, to be capable

of offering the most important facilities to the operations of finance. This also was destroyed. Having made these provisions for revenue, for public credit, and financial operations, the Government felt itself in a condition to invite a war.

From such a beginning, what else could be expected than we have seen to happen? While it remained on our part a war of invasion, nothing was done; and now, when in turn we are attacked by the enemy, the defence of the country rests on the people and on the States, almost unassisted by the aid of Government. In what quarter of the country does the Government afford efficient protection to the people? In most assailable places, the States are obliged to call out their militia upon their own responsibility, and the strength of their own resources; and here, at the heart of the nation, a force of five thousand men has routed and dispersed the Government, and scattered the ashes of the Capitol over the soil which claimed its peculiar and exclusive protection. He had said last session, and he repeated it now, that the Government had failed in the discharge of its first great duty—the main object of all Governments—the protection of the people.

He wished also the House and the country to consider how we stood with all the neutral powers of Europe in relation to this war. It had been said by his honorable friend from New York (Mr. OAKLEY) that the ears of the European Courts were shut against us. He believed this to be perfectly true. The Administration itself knew better than any individual that it had not been able to excite the sympathies of a single power in Europe, in its favor, on the subject of this war. The reason was obvious. The nations of Europe had seen the part this Government had acted. They had seen it come in, in the moment of European extremity and agony, and take part on the side of an always detested and now fallen tyranny. Without discussing the question, of no importance to them, whether the measures of this Government grew out of a previous stipulation, signed and sealed, and interchanged with that of France, or whether in these measures it had acted gratuitously, and only followed the bent of its own inclination, they could not but take notice of the fact, that these measures were brought into play precisely at the moment when they were most likely to aid in the overthrow of the Governments, and the subjugation of the nations of Europe. It was difficult, he thought, to restrain one's indignation on this subject. If any thing could make one ashamed of his country, it would be that its Government had been capable of acting such a part. How different would our situation be at this time, if the Government could say to England: "We have interfered in none of your European quarrels. We have sought to take no advantage of the pressure of your circumstances. A Republic, ourselves, and attached to the principles of political liberty, we have lent neither aid nor countenance to any

projects formed against the general liberty or prosperity of Europe. We have held a course strictly and scrupulously impartial; and for proof of the correctness of our conduct in all these respects, we refer to the unbiassed judgment of neutral nations. We appeal to those who have been with you through the struggle which has now terminated, whether they suspect us of having had any leaning or partiality towards your "common enemy."

As to the negotiation and the terms of peace offered by England, Mr. W. said it would not be supposed that those who opposed the war as unnecessary and ruinous, were on that account to consent to any other than fair and honorable terms of peace. They held the Administration answerable for an honorable peace. The country's honor was unblemished when they took the guardianship of its concerns, and it would be required at their hands equally unblemished. For one he said, in no crisis, in no emergency, in no distress of national affairs, would he consent to a peace which should inflict a wound on the true honor or substantial interests of the country. But he did not affect to conceal his opinion; he wished, rather, on all proper occasions, to express it, that there was no chance of coercing England, or even of defending the country successfully, until the power and strength of the nation should be called forth, and guided by different hands. He wished, at the same time, to express his regret, that the American Commissioners had not proposed *their* terms of peace. He wished they had stated explicitly, whether the Government of this country had or had not given up the grounds upon which it originally went to war. If the British Commissioners looked for extravagant terms to be proposed by ours, it was not very unnatural that they should set out with terms as extravagant themselves. It is to be lamented, that having found out what were the terms of England, our Ministers did not propose their own terms, to the end that the world might see the difference. It may be a question fit for casuists, which partakes least of a pacific temper and moderate views, to propose terms of peace, which are deemed inadmissible, as was done by England, or to propose no terms at all, as was done by ourselves. If the American Ministers were instructed to make peace on fair and reasonable terms, it cannot be too much regretted that they did not make those terms known; because, in order to put the enemy completely in the wrong, it is necessary to show, not only that his terms were extravagant, but that ours were not so.

The publication of the documents here is relied on to satisfy the people of this country of the equity and moderation of the views of the Cabinet. If it should answer that purpose, still it does not answer the other, of making known its equity and moderation to England. Because, until now, that they are published here, England had no means of knowing the instructions given to our Ministers. She could only know that if you insisted now, on what you demanded when

you went to war, your terms, in her estimation, were as inadmissible as hers are in yours.

But will the publication of *parts* of these instructions satisfy the people of this country that the Government has made fair terms of peace? If anything was published, why not the whole? If the part concealed is not material, why conceal it? In cases of this sort, it is obvious that whatever has been previously done, may be undone by something subsequent. It is not like a series of correspondence between different parties. Unless the Government publishes the whole in this case, it may as well publish nothing.

Mr. W. said he did not underrate the difficulties of the present crisis. He was well aware of all these difficulties. But he would not say, because he did not think that they were at all insurmountable with a wise and able Administration of Government. But it did appear to him, that the country had committed itself into the hands of men not likely to make peace nor competent to conduct the war. This he thought our greatest difficulty, and he believed the nation would come to the same opinion.

In the mean time he should not obstruct; he should only hold himself at liberty not to approve, without reason, the course pursued. It could not be said, then, that the Administration was asked to do its duty while the means are refused; means will not be refused so far as they depend on measures here. Its measures will be carried here, and as far as the aid of this House can go, it will have it. But he should not give his vote for the measures proposed, either by way of expressing his approbation of the past, or his expectations for the future. On the past he looked with mixed emotions of indignation and grief; on the future with fearful forebodings and apprehensions, relieved only by the hope that the immediate adoption of better counsels might lead to better times.

When Mr. W. had concluded, the House adjourned.

TUESDAY, October 25.

Ways and Means.

The House resumed the consideration of the unfinished business, being the report of the Committee of Ways and Means recommending the imposition of additional taxes; and the first resolution, for adding 100 per cent. to the present amount of the direct taxes, being on its passage—

Mr. CALHOUN said, he did not rise to consider whether the war was originally just and necessary; or whether the Administration had abandoned the original objects of the contest; much less, whether the Opposition, according to the very modest declaration of the member from New Hampshire, (Mr. WEBSTER,) possessed all of the talent and confidence of the country. His object was to call the attention of this House to the necessity of prompt and vigorous measures for the prosecution of the war. If ever a body

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of men held the destinies of a country in their hands, it was that which he was now addressing. You have for an enemy a power the most implacable and formidable; who, now freed from any other contest, will, the very next campaign, direct the whole of his force against you. Besides his deep-rooted enmity against this country, which will urge him to exertion, the enemy is aware of the necessity, on his part, to bring the contest to a speedy termination. He dreads its continuance; for he well knows, that should it be maintained by us with vigor, for only a few years, there will be other parties to the struggle, which may again involve him in a war with all Europe. He then will put forth, from spite and policy, the whole of his strength the very next summer, to crush us if possible by one mighty effort. To meet this state of things, the whole of the resources will have to be called into action; and, what is of equal importance, with such promptitude as to be ready to act as soon as the season will admit. What then are the duties which devolve on this House, and which must be performed in order that we may be in a state of desirable preparation to meet and maintain the struggle? This is the question which he proposed to consider, not indeed in detail, or with great accuracy, but generally, in order that we may be aware of the urgent necessity for despatch. First, then, it will be absolutely necessary to pass these resolutions, or some others of equal vigor, into laws. Our finances it is acknowledged are much deranged; and it is also admitted, on all sides, that they can only be restored by a vigorous system of taxes. Has any member estimated how much time this will consume? It is now the 25th of October, and we have not passed even the resolutions; at the same rate of proceeding, to settle all the complexity of the detail of bills, and pass them into laws, will require months. In the next place, it will be necessary (he presumed no member could doubt it) to take the state of the circulating medium into consideration; and to devise some measure to render it more safe, and adapted to the purposes of finance. The single fact, that we have no proper medium, commensurate in its circulation with the Union—that it is all local—is calculated to produce much embarrassment in the operation of the Treasury. But, sir, after we have passed the taxes and established an adequate circulating medium, which must of necessity, with the closest attention, consume much time, much still will remain to be done. The Army, to which the President has so strongly called our attention, has not yet claimed a moment of our time. He would not pretend to anticipate the plan which the Military Committee would doubtless submit to this House, but he would state what appeared to him indispensable to give the greatest effect, with the most economy, to our arms. He did not wish to be understood parsimony, but that which gave to the amount expended the greatest effect.

The enemy at present presses the war both

on our seaboard and interior frontier. The nature of the war on either, will, if properly considered, indicate the mode, that it ought to be met and resisted. On the seaboard it must be strictly defensive. The enemy can make no permanent conquest of any importance there; but he hopes, by alarming and harassing the country, and putting us to an enormous expense in defending it, to break the spirit of the nation, and to bring it to his own terms. The only remedy in our hand, without a marching force, is to fortify as strongly as possible the cities and exposed points, and to garrison them with a sufficient number of experienced regular troops. In case of an attack, they are to be aided by militia of the cities and adjacent country, called out on the occasion *en masse*, which can be done without much vexation or expense. It is thus by having respectable garrisons of regular troops, aided as he has stated, and supported by strong works, we will afford more security, and will save millions of expense. The present militia force he supposed, in actual service, could not be much short of one hundred thousand. Less than half that number of regulars could be made abundantly adequate to the defence of our seaboard.

On the Canada frontier the war must assume an opposite character. If we wish to act with effect, it must there be wholly offensive. He did hope the miserably stale and absurd objections against offensive operations in Canada had ceased, till he heard yesterday the member from New Hampshire, (Mr. WEBSTER.) It was so obviously the cheapest and most effectual mode of operating on our enemy, that thinking men, he believed, with little exception, of all parties, had agreed in its expediency. For, suppose that we should have at the opening of the next campaign a sufficient force on the Canada frontier for its reduction; and what would then be the result? Either our enemy must call off the whole of his force, to defend himself in that quarter, or he must permit it to fall into our possession. Either event would be desirable. If the enemy should adopt the former, as in all probability he would be compelled to do, our seaboard would be freed from danger and alarm, and we would have the further advantage of meeting him on equal terms. He would no longer be aided by his maritime superiority. If, however, he should not strengthen himself in Canada, but continue the war on the coast, it would be still more to our advantage. The reduction of his possessions, besides shedding a glory on our arms, and producing both here and in England the happiest effects in our favor, would enable us to maintain the struggle with half the expense in men and money. After so desirable an event our efforts might be almost exclusively directed to the defence of the seaboard, and the war would assume a new aspect highly favorable to this country.

To cause so desirable a state of things, a regular force of at least fifty thousand men ought to be ready to act against Canada by the first of May or June, at farthest. If they could be im-

mediately raised and marched to their proper depots for training, they could in a few months be well trained for service. He was well assured that the brilliant battles of Bridgewater and Chippewa were won by men, three-fourths of whom had not been in the ranks more than four months. With skilful officers, and with the aptitude of the Americans to acquire the military art, the finest army in a few months might be formed. He said he could not refrain from congratulating this House and country on the acquisition we had made, in so short a time, of military skill. It was wonderful, almost incredible, that in a year or two, with very little opportunity, such Generals should be found as have the last summer led our Army to glory. No country, under all of these circumstances, ever in so short a time developed so much military talent. Put under their command without delay, a sufficient force, well appointed, and you will then find yourselves in the road to honor and secure peace. But, can this be done by idle debate, by discussing the origin of the war, and the relative talent and virtue of the two great parties in this country? Now is our time, not for debate, but action. Much is to be done. We have not a moment to lose. Time is to us every thing, men, money, honor, glory, and peace. Should we consume it in debate, and let the moments for preparation glide away, our affairs must be irretrievably ruined. Compare what remains to be done with the time for action, and it is certain that to act promptly is as important as to act at all. Under these impressions, he hoped that the House would pass this day on all the resolutions; and that they would be referred back to the committee to report bills immediately; and that whatever was needful to our early and complete preparation, would be promptly despatched. The enemy is already arrived, and, as soon as permitted by the season, will strike with deadly intention; let us be ready to receive and return the blow with redoubled force. We are placed in circumstances the most urgent and imperious. Our supposed weakness has tempted the enemy to make his extraordinary demands. Who that bears the heart of an American can think of them without the most just indignation? Surrender the Lakes to his control; renounce the fisheries, that nursery for seamen; cede a part of Maine, and all beyond the Greenville line, and recognize the Indians as their allies, and under their protection. Such is his language. He relies not so much on his own strength as our weakness and disunion. Let it be our most serious business, by vigor and promptitude, to baffle and destroy his vain hopes. If we fail, it will not be for the want of means, but because we have not used them. We have generals and troops that have proved themselves an overmatch for the choicest of the enemy's battalions, commanded by her most boasted officers. To this evidence of skill and courage, superadd preparations on our part equal to our resources; by this means you will make him sensible of his presumption, and

listen to terms of peace honorable to both nations. He has it in his power at all times to make such a peace. Every member who hears me, knows this to be the fact, notwithstanding the unjust and unfounded insinuations of the member from New Hampshire (Mr. WEBSTER) to the contrary. He observed again, that England dreaded a continuance of the contest. The affairs of Europe are far from being settled. Her relation in a commercial point of view is calculated to raise up powerful enemies on the Continent. Should she be foiled and disgraced here, which she must be if we but do our duty, the opportunity so favorable to humble her will be seized. Of these facts she is sensible; and our very preparation for a vigorous war will make her dread the contest. But, suppose, instead of vigorous and prompt preparation, we consume our time in debate here, and permit our affairs to go on in the consequent slow and feeble way. Where is the man so blind as to believe that England will limit her views by her present demands, as extravagant as they are? We are already told, that she will proportion her future demands to the relative situation of the two countries. She neither expected nor desired peace on the terms which were offered. Her bosom is repossessed with the ambition and projects that inspired her in the year '76. It is the war of the Revolution revived; we are again struggling for our liberty and independence. The enemy stands ready, and eagerly watches to seize any opportunity which our feebleness or division may present, to realize his gigantic schemes of conquest. In this struggle for existence, he must entreat the members of the Opposition, though they can reconcile it to their conscience to stand with folded arms and coldly look on, not to impede by idle and frivolous debate the efforts of those who are ready by every sacrifice to maintain the independence of the country. The subject is weighty; he felt himself pressed on all sides by the most interesting topics; but he would abstain from further observation, lest he who admonished against the consumption of the time of the House in long debate, should set an example of it in himself. The time is precious. He felt that he owed an apology for consuming so much as he had done.

Mr. SHIPARD addressed the Chair as follows:

Mr. Speaker, although we have been solemnly admonished, by a gentleman from South Carolina, (Mr. CALHOUN,) to waste no more time in idle debate, as he is pleased to call the arguments on the question before the House, you will pardon me if I venture yet to exercise the privilege of the Representative of a free people, and frankly express my reasons for the vote I shall give against the resolution before you. The question, sir, is a momentous one, and ought not to be hurried. To dash into a measure so interesting to our constituents without deliberation, would be rash and imprudent.

If the convictions of my mind would permit, I should most cordially vote in this case with the

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majority. Had their side of the question the least perceptible advantage, nothing would give me more pleasure than to add a vote to their number. For, sir, I declare most sincerely and truly, that any opposition of mine, is from no desire to give new asperity to party animosity. Fain would I hush its bickerings, and, if possible, drive the fiend from our country, and extinguish her torch.

No man, more than myself, can wish to conciliate, and in the patriotic desire to save the country from ruin, lose forever those prejudices which have long been an evil deeply to be lamented. Fain would I, if possible, convince the majority by a cordial co-operation when they are right, and a dispassionate opposition when wrong, of a disposition, on our part, to seek and promote the welfare of the nation, and to support any discreet measure, whether it shall come from this or that side of the House.

Sir, gentlemen ought not to resent opposition. The dearest and strongest convictions may impel the legislator zealously to resist what a majority may as sincerely think right. Members of the same party think and vote differently on particular questions, and yet it is productive of no resentment.

Such, sir, ought to be our charity towards those who oppose even our most favorite objects, especially if they are in the least doubtful, as to believe they act from a sense of duty, unless we have sufficient evidence of a different disposition. Indiscriminate condemnation of the motives of an antagonist is certainly no less than odious intolerance, which must be avoided, to perpetuate the blessings of freedom.

But, sir, however strong I may desire union and a perfect good understanding between the different sides of this House, an aberration from duty, or the abandonment of an opinion formed after a long and deliberate examination of the subject, would be a sacrifice too great, and therefore cannot be made. From such examination I have formed an opinion, and therefore proceed to give this House the view I have taken of the subject.

It is said by gentlemen on the other side, in substance, that the Treasury is without money, Government without credit, and the armies without men. That the Union is in danger, and, unless prompt and sufficient aids are furnished by the Legislature, we shall be ruined. To this statement of facts I subscribe. The evidences are too strong to be doubted; and, because such is the state of the nation, am I opposed to the resolution, and the reasons urged for an affirmative vote will induce me to give a negative. If we are ruined, who has been the despoiler? Surely it cannot be charged upon those who, for fourteen years, have been deprived of the means of doing good or evil to the Government; men who have been declared unworthy to participate in the administration of our public affairs. Sir, it must be charged to your public agents as having produced this mighty ruin.

There was a time, Mr. Speaker, when the

Government was wisely administered, and the speedy fruits were fame, wealth, peace, and prosperity, to the Government and people.

The Union was a splendid luminary, whose light attracted the attention, and excited the admiration, of the civilized world. The surest earnest of permanency and stability seemed to be given, and we fondly thought that remote generations would partake of the blessings of our admired institutions.

When the power was wrested from the men of other times, the Treasury was full, our credit was high, and the revenue annually increasing. No calamities, no evils, either existed or threatened to impede the nation in the career of prosperity. Every class of citizens felt the happy influence of a free Government, administered with wisdom and benignity.

The glory of those times appears more conspicuous, contrasted with the gloom and misery of the present. And the wisdom which had framed the Government, and given it motion and direction, was so powerful and correct, that for years it endured the hard service of novel and ruinous experiment; and, for aught we know, might have continued, had not the way of success been blocked up, and the Government jostled from its original course.

If, then, sir, the high officers of the nation have so managed our political concerns, as to sink us from a proud and lofty station to the very depths of poverty and disgrace, dry up the sources of revenue, load it with debt, and make us contemptible in our own and the eyes of the nations, it becomes us well to examine, and seriously to inquire whether it will be prudent to burden our constituents with oppressive taxes; vainly hoping to retrieve our lost credit by replenishing our empty Treasury, to be laid out under the agency of the very men who have given us so many sad examples of a destitution of those qualities which only ought to invite confidence.

Where is our guarantee that the money forced from our suffering fellow-citizens, will be expended with less prodigality than the millions which have been squandered in unavailing experiments or lavished upon worthless men? Will it be denied, that the country swarms with such, and that they have been too much the favorites of power for the interest of the grand community?

If a pledge of reformation can or is to be given, let us see it. Convince us that the Executive has become trustworthy, and obtain the united confidence of the House. But, sir, we are to have no such pledge, not even a promise; on the contrary, the same phantoms are to be chased, the same ruinous measures to be adopted, and this is openly avowed upon this floor. We, therefore, are not permitted to hope for a change, or even conjecture that new measures may produce a new and happy result. Nothing before us but an obstinate determination to persist in that course, the end of which is inevitable ruin.

Mr. Speaker, it is fair and correct to calculate from what has been, what will be the effect of the same causes, and therefore, from experience, ought we to judge of the fitness of any proposition, more especially when a nation's interests, a nation's salvation, is depending. It is high time to dismiss the dreams and visions that have bewildered and led us astray. From the past, let us, as we love our country, look to the future, and, guided by this sure index, determine. In the exercise of sober sense, ask ourselves whether we can, with a due regard to the interests of this much injured nation, call upon it so loudly. To me this subject appears big with importance. The consequences may yet be lamented.

It must require a faith not imposed, a charity which would savor more of weakness than piety, to believe or anticipate a renewing spirit hereafter to prevail in the management of our pecuniary concerns, so long as the managers remain unaltered. There is no demonstration more clear than that, under the charge of the men who have wasted the public finances and destroyed your credit, your country will sink deeper and deeper in ruin.

If the majority, sir, possessed any inclination to cheer the desponding hopes of the nation or brighten its prospects, and thereby invite the confidence and co-operation of the minority, their President would give some token that he had abandoned the old and ruinous course, and designed to seek one new and more promising. He would even now have emptied his Cabinet of a group of deluded and deluding Ministers, by whom he has been misled, whose conduct has palpably proved a defect of head or heart, or both, and replenished it with the first choice of the States, regardless of party distinction. But, sir, he has seen the ship sinking, and retains, in despite of the most awful premonitions, the same pilot and helmsman. Permit me, sir, to enforce the observations already made, and those which may be made, by example, and then judge of the Chief of your Government.

The example remains a monument of disgrace to this metropolis. Look at the walls of your once magnificent Capitol. Where now is all its grandeur, its lofty arches and proud columns with the costly garnishing that delighted the eye, and afforded ease, convenience, and elegance, to the Representatives of the people?

They are gone, and what remains is a striking proof of the impotence, the folly, not to say cowardice, of the men who, had they been as they ought to have been, would have abandoned, only with life or liberty, this ornament of your city to the torches of your enemy. But unresisted, undisturbed, the hated foe was permitted to destroy the very Hall where, but about two years before, this proud boast was vauntingly made, "My word for it, if you will declare war, in six months the Canadas will be ours." Yes, sir, to the disgrace of our country, the very Hall where the question of peace and war was debated, and the declaration of the latter was sol-

emnly adopted, fell a sacrifice to the enemy who were so contemptibly thought of.

Permit me also, sir, to present you the palace of your President in flames, or, if you please, its yawning ruins, and the offices of State, and above all your navy yard, and the ashes of the frigate and sloop-of-war; and, lastly, your President, Secretary of War, of the Navy, the Commanding General, and seven thousand men flying before a handful of marauding British, worn down with fatigue and melted with heat. And, sir, we are now asked with the most earnest importunity to intrust these men who gave up to certain destruction this immense property, without even an effort to save it, with twenty-one or two millions of dollars more. The destruction of the navy yard was such an act of imprudence that it indicated lunacy. Not content with the firebrand of the enemy, perhaps praying that his ruthless hand might spare some part of the public property, the high officer, whose duty it was to protect it, orders it all to be burned.

Military gentlemen, Mr. Speaker, say all this vast property might have been defended, together with this city. Why burn the navy yard? Why the sloop-of-war, which had her guns on board and prepared for action, and might have been used to defend the place where she was built; and as a last resort could have been saved by choosing the middle or eastern shore of the Potomac?

But no, she must be burned. The frigate on the stocks, together with the immense property of the excellent establishment at the navy yard, must all be devoted to the indiscretion of the honorable Secretary. No one, sir, will pretend to say that this property could have been carried off or used by the enemy. Steam engines, forges, workshops, sawmills, and vessels, are not convenient for a knapsack, or even a baggage wagon. Why then burn this necessary and valuable property?

It is answered, it was burnt to prevent the enemy from taking it. Supposing they had done so, it is certain they could have done no more than destroyed it; they might, it is true, have so done, and probably would, if no attempt was made to defend it. A few more heroic souls, however, like Barney and Miller, would unquestionably have taught your enemy, by experience sad and fatal to them, that the rights and property of the nation were not to be infringed with impunity.

But supposing the worst, that the enemy had done the same that was done in pursuance of the Secretary's peremptory order, and had burned this admirable establishment; in point of property, the loss to the nation would have been no greater; in point of character infinitely better. And, after a faithful experiment, if we had failed, it was but to abandon it to the invaders to spare or destroy at their election. Hence, sir, it is most obvious that there was no necessity of committing this detestable suicide.

Here it may be asked, how this reasoning

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concerns the subject before the House? I will show you, sir, in a few words, that your Chief Magistrate in particular is responsible for this shameful transaction. He, his Secretary of War, and of the Navy, were on the field of battle, or rather of flight. Was it then by their orders or the order of either of them, that the metropolis was cowardly given up to be sacked by an enemy not one-third of the number of our troops? And whether this base desertion was caused by either the one or the other of the three, or the Commanding General, in either case your President, sir, is responsible to the nation for the loss and disgrace attached to the transaction. How? If it was by his order, then he is answerable directly. If by either of the pair of Secretaries, then it became him, indeed it was an indispensable duty, to have inquired, and dismissed from office the man whose examples proved him unworthy of his station. If it was from the mere motion of the Commanding General, he should have caused an immediate arrest, tried and punished him for disgracing his nation and office. A severe sentence was pronounced against General Hull for cowardice, and his surely was a venial transaction compared with the flight from Bladensburg.

I would not be understood as charging General Winder with unmilitary conduct. I had ever supposed him a brave and honorable man, and without more proof I wish still so to consider him; and for the sake of this argument it is immaterial whether he is guilty or innocent. In either case your President must be answerable. That some one is guilty cannot be doubted, and it behooved the President to seek redress for the nation who had entrusted him with the prerogatives of his exalted station. Now, sir, let us inquire what was done to satisfy the loud claims of an injured people; what to retrieve their lost honor? Nothing—just nothing. It is true a proclamation was issued, and the enemy “*vandalized*” with sufficient heat and asperity; but the Secretary of War, who had become so odious to the people that a universal murmur of discontent was heard in every direction, and whose infamy is attested with chalk and charcoal in rude prose and verse upon the solitary walls of your Capitol, was solicited, entreated by the President, still to retain his office. He could not endure the thought of parting with his dear friend—this precious officer.

You have, sir, already been pointed to the destruction of the navy yard. It is presumed no one doubts that the Secretary of the Navy ordered this destruction; an indiscretion, to say the least, so extraordinary that not a single apologist can be found to excuse or justify the transaction. Well, sir, where is he? dismissed from office as not trustworthy? No, sir; but basking in the smiles of the President—not a whisper from his lips disapproving the act.

If the Commanding General was guilty,

where is he? Still in favor without inquiry and without censure.

If it is the unyielding determination of the President to retain such men in office, to suffer the country to be disgraced without requiring satisfaction from, or inflicting punishment upon, the authors, what, sir, is there left to encourage the people to shed their blood or pay their money in a cause that affords not a ray of hope? The heart sinks with despondence at the prospect.

When Mr. S. had concluded—

A division of the question having been called on the resolution respecting the direct tax, the first question put was on the following part: “Resolved, that it is expedient to continue the direct tax.” On this question, the votes were—For the motion 104, against it 26.

The question was then taken on the remaining clause of the resolution, “and to increase the same 100 per cent.”—and decided in the affirmative.

So it was determined to continue the present direct tax, and increase the same 100 per cent.

The second resolution, “to increase the duty on spirits distilled by an additional duty of twelve and a half cents per gallon,” being under consideration, together with the amendment made in Committee of the Whole, going to increase the same to 15 cents per gallon—

Mr. FISK, of New York, renewed his motion to insert twenty-five instead of fifteen.

Mr. GASTON, of North Carolina, in the course of discussion, moved to lay on the table so much of the report of the Committee of the Whole as applies to the resolution; which motion was agreed to; and then the House adjourned.

MONDAY, October 31.

Another member, to wit, from Connecticut, BENJAMIN TALLMADGE, appeared, and took his seat.

Suspension of Direct Tax, &c.

Mr. WILSON, of Massachusetts, offered for consideration the following resolution:

Resolved, That the Committee of Ways and Means inquire into the expediency of suspending the collection of direct tax and internal duties in those districts of the State of Massachusetts which are in possession of the enemy.

The House agreed, 62 to 47, now to consider the resolution.

Mr. SHARPE, of Kentucky, who had voted for the consideration of the resolution, desired that the gentleman would state his object.

Mr. WILSON stated that the enemy, having possession of Eastport and Castine, thus possessed the command of territory which belonged to two collection districts; one of the collectors of which resided within the territory thus occupied, and the other just without it, although five-sixths of the territory attached to his district was in possession of the enemy. It was the duty of those collectors, according

to law, to proceed in the collection of the duties. These duties, the British Governor, Sherbrooke, as gentlemen had, no doubt, seen in the public papers, had required the collectors to pay over to his officers established at Castine or Eastport; and with this requisition the collectors must comply, or suffer confiscation of their property; on the other hand, they would violate their duty, according to law, if they did not proceed in their collection. He wished to relieve them from this disagreeable alternative, and to put it out of the power of the British Government to tax the people through the intervention of American officers.

Mr. WRIGHT, of Maryland, said, there was no novelty in this proposition, as precedents might be found for it in the Journals of the Old Congress. Whenever a district was in possession of the enemy, some provision of this kind ought to be interposed to relieve the people as well as the collectors. Mr. W. was for doing equal justice to all; for considering the people of all parts of the Union as one great family—and, in regard to this question, he was willing to begin with Massachusetts, any thing in her denunciations of the General Government to the country notwithstanding.

After a few words of explanation from Mr. WILSON, the resolution was agreed to—79 to 42.

TUESDAY, November 1.

The Flotilla Men.

The House resumed the consideration of the bill for allowing compensation to Commodore Barney's officers and men, for the loss of their clothing, &c.

Mr. PLEASANTS, of Virginia, took occasion to read the following letter he had received from Commodore Barney since this subject was last under consideration:

BALTIMORE, October 30, 1814.

SIR: It was not until this morning that I saw a short sketch of the debate on the "flotilla bill." I was much surprised at what was said on that occasion; for it was well known when orders were given to blow up the flotilla, that the enemy were firing upon them from forty barges with cannon and rockets, and had landed a body of marines at Pig Point, within a mile of the flotilla. The orders from the Secretary of the Navy to me were, to keep the flotilla above the enemy, and if they attempted to march for Washington, to land my men, leaving sufficient to destroy the flotilla if attacked. On Sunday, 21st of August, finding the enemy on the road to the Wood Yard, direct for Washington, I landed upwards of four hundred men, leaving only eight men in each barge to take care of them or destroy them as the case might be, but by no means to suffer them to fall into the hands of the enemy; most of the baggage and all the bedding of the men which were landed was left on board, not wishing to encumber my men with much baggage. On Monday morning the 22d, we joined the Army at the Wood Yard, where I found the marine corps and five pieces of heavy artillery, which the Secretary of the Navy had had the precaution to send forward from Washington and place under my command. I need not relate our

services afterwards; but when the flotilla was blown up, we, and not the enemy, "were a day's march from it"—of course could not save the baggage. So far from being able to get "further up the river," as was said, the vessels were aground and blown up in that situation; and as to having time to save the baggage, so contrary is the truth, that several of the men were taken prisoners in the act of destroying the flotilla, and still remain so. Much more might be said on this subject, but the Winter coming on imperiously calls for some assistance to these unfortunate men.

I have the honor to be, &c.,

JOSHUA BARNEY.

Hon. Mr. PLEASANTS.

The amendment pending when this subject was last before the House, was agreed to.

On motion of Mr. J. G. JACKSON, the word "officers" was stricken out of the bill—53 to 47. His reason was, that it would set a bad precedent for remuneration of officers in other cases where they should lose baggage, which frequently occurred.

The bill thus amended, was ordered to be engrossed for a third reading on to-morrow.

WEDNESDAY, November 2.

A new member, to wit, from New Jersey, THOMAS BINES, elected in the place of Jacob Hufty, deceased, appeared, produced his credentials, was qualified, and took his seat.

Bounty to Privateers.

Mr. ROBERTSON, of Louisiana, offered the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of giving a bounty to the owners, officers, and crews of privateers, for the vessels of the enemy destroyed at sea, and that they have leave to report by bill or otherwise.

Mr. R. stated his object, in moving this resolution, to be, in the first place, to operate on the commerce of the enemy; in the second, to preserve to our country the services of the seamen, who, by manning the prize vessels, were frequently captured by the enemy, and as far as possible, retained by him in his possession, and withheld from exchange. There were other cogent reasons why such a measure ought to be adopted, viz: to give encouragement to a species of warfare which the enemy most sensibly felt, &c. Whatever were the general impressions of gentlemen in relation to privateering, this measure was peculiarly proper in relation to us, because at present the enemy has all the commerce of the world, and we have none.

The resolution was agreed to *nem. con.*

THURSDAY, November 3.

Another member, to wit, from Virginia, DANIEL SHERFFER, appeared, and took his seat.

SATURDAY, November 5.

Another member, to wit, from Massachusetts, SAMUEL DAVIS, appeared, and took his seat.

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The SPEAKER laid before the House a letter from the Governor of the Indiana Territory, enclosing the credentials of JONATHAN JENNINGS, as the Delegate for that Territory in the Fourteenth Congress.

Tax on Salaries, &c.

Mr. FARROW, of South Carolina, offered for consideration the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of laying a duty on all salary officers, and on the professional income of lawyers, solicitors, and councillors, and the legal proceedings of civil courts of justice.

Mr. F. said it appeared to him while Congress were engaged in devising taxes on every description of articles, there were a number of officers under high salaries, paying comparatively no taxes to the Government, whom he thought ought to be taxed in some way. While we are taxing the poor man who has but a hundred acres of land, and from that has besides to maintain a large family, where is the propriety, Mr. F. asked, of exempting a man who receives annual thousands, and after maintaining his family, can lay up a large part of it? The object of Mr. F. was to lay a certain percentage on the salary. As to the income of lawyers, &c., he thought them equally worthy of taxation, &c.

The motion of Mr. FARROW was agreed to without a division.

The Investigation.

Mr. JOHNSON, of Kentucky, said he understood that, in his absence from the House yesterday, an honorable member from New York had expressed some anxiety to know what progress had been made by the committee appointed to investigate the causes of the capture of this city by the enemy, in the execution of that duty. In obedience to the direction of the committee on that subject, who at all times were anxious and willing to satisfy any honorable member of the House in his reasonable inquiries, he now rose to state that they had not been idle in the discharge of the duties committed to them. But, on a subject so interesting and so important, it would have been improper in them to present an imperfect development of events which had been the foundation of so many different rumors. And to enable the House to judge of the labor imposed on this committee, he made the following statement of the papers before that committee, &c.:

Communications received by the Committee of Investigation, viz:

1st. General Winder's report, accompanied with one hundred and twenty-three letters to Governors of States, regular and militia officers, &c., pp. 96.

2d. Report from the War Department, sheets 34.

3d. Reports from the Navy Department, accompanied by twenty-one letters to various officers and persons, pp. 32.

4th. Report of General Smith of District militia, accompanied with a few letters, pp. 23.

5th. General Armstrong's letter, accompanied by two or three letters, pp. 20.

6th. Richard Rush's report, pp. 21.

7th. Secretary of the Navy, in relation to the proceedings of the Cabinet, pp. 5.

8th. Report from the Corporation of Alexandria, accompanied with nineteen letters, pp. 16.

9th. Two reports from the Ordnance Department.

10th. Estimates of the value of public property destroyed, (excluding the Navy Yard.)

11th. Report from the superintending Surgeon, pp. 10.

12th. Thirty-five letters, from various persons, (General Hungerford, Colonel Tayloe, Captain Caldwell, Captain Burch, &c.,) upon subjects relating to the object of the inquiry, making together eleven reports, containing three hundred and fifty-nine pages, and two hundred and ten letters, besides daily and almost hourly interviews with persons upon the subject.

Letters and reports yet expected.

Letters from Colonel Monroe, Walter Jones, William Pinkney, General Van Ness, General Stansbury; an estimate of the public property destroyed at the Navy Yard; a letter from General Douglass; the proceedings of the court martial over Captain Dyson; a letter from John Law, &c.

This statement and enumeration Mr. J. said he hoped would satisfy the gentleman from New York and the House that the committee have not unnecessarily delayed a report. They would make a report at as early a day as was consistent with a due discharge of their duty.

TUESDAY, November 8.

Small Vessels of War for Privateer Cruising.

The House resolved itself into a Committee of the Whole on the bill to authorize the President of the United States to cause to be built or purchased the vessels therein described, viz: not more than twenty vessels, to carry not less than eight nor more than fourteen guns.

The bill having been read through—

Mr. PLEASANTS, of Virginia, (the Chairman of the Naval Committee,) said, the object of the bill was sufficiently explained by its contents. As to its expediency, the experience of the present war had amply demonstrated the utility of this species of force. He called upon the committee for a moment to turn its attention to the cruises of those vessels, and compare their effects with those of the cruises of the larger vessels. The conquests achieved by our frigates, &c., would never be forgotten; they were great and important; but their depredations on the commerce of the enemy, during long cruises, had been comparatively unimportant. On reference to the cruises of private armed vessels, of the class contemplated by this bill, a very different result appeared. The effects of their enterprises against the commerce of the enemy had been great and important; such, indeed, as to give us every reason to believe that a class of small, swift-sailing vessels, of this description, would, in all probability, conduce to put a speedy end to the war, by the impression it would make on

the enemy's commerce. He very much doubted whether the Government could expend a small sum of money in any way so efficiently as if appropriated to the particular purposes of this bill. He knew some of the best and most enlightened friends of the Navy were opposed to the bill; but he did not believe, taking into consideration all the circumstances of the present situation of the country, that they could assign sufficient objections to it. Our Navy had acquired a greater stock of glory, credit, and reputation, to themselves, and reflected it upon the country, than ever had been acquired in the same space of time by any military equipment, either by land or ocean, in any country. He had paid some little attention to the history of the British Navy, and he believed the history of our Navy would stand a comparison with any other the world affords. But, in regard to depredation on the commerce of the enemy, he believed their efficiency could not be compared to that of vessels of a smaller class.

Mr. W. REED, of Massachusetts, rose to oppose the bill as it now stood. If he could persuade himself that the effects anticipated by the honorable Chairman of the Naval Committee could ever be realized, in the common course of events, he should be the last man in the House to oppose the passage of the bill for a moment. He thought he could make it appear that the ground assumed by the gentleman from Virginia was wholly untenable. By the force proposed in this bill, Mr. R. said, it was not expected that any battles were to be fought with the Naval force of the enemy on the ocean: we are, on the contrary, to rely on what is done, and retreat from the contest. Would the House, he asked, create a force which would compel those officers of our Navy who have already won so much glory to their country, to resort to this species of vessel? Would they oblige a Perry, a Macdonough, and other officers, to command that species of force which obliges them to take flight the moment they come in sight of the enemy? He doubted, indeed, whether, if put into gunboats, (the most contemptible of all force,) they would retreat from the enemy without first trying their strength with him. It was degrading not only to the character of the men, but to the nation, to submit such men to serve in this sort of *mosquito fleet*. However he might have been opposed to the war from its commencement—and nothing had occurred in its progress which changed his opinion of it—he yet entertained those feelings which actuated him, in its commencement, to endeavor to make it subservient, so far as he could, to correct principles. This would be as far accomplished by the establishment of a navy, as by any thing they could do. He was warranted by facts in saying, that no force would be half as efficient, in proportion to its expense; none would be of so much service to the country; none, certainly, would touch the enemy half as much as a naval force of a proper character. What are we about to create by this bill? asked

Mr. R. A species of force, which, like the cowardly and ravenous hawk, pounces on its prey, but, whilst securing it, perchance, sees some king-bird soaring round, and quits its prey to seek safety in ignoble flight. Shall we expose our officers to this mortification? He hoped not.

Mr. INGERSOLL, of Pennsylvania, corrected the impression of Mr. REED as to "schooners," which word was not contained in the bill, but the word "vessels." Mr. I. was desirous of amending the bill so as to read "not less than eight nor more than twenty-two guns." This, he said, would be doing little more than extending the discretion of the Navy Department, in the particular in which he thought it might be safely confided in; and, without subscribing to the sentiments of either of the gentlemen, he did not despair of being able to satisfy the committee that the amendment he proposed would answer the purposes of the Government better than in its present shape. The limitation to fourteen guns, he apprehended, was inserted in the other House on the motion of a gentleman from Maryland, (Mr. SMITH,) for whose professional knowledge and general opinions on this subject, Mr. I. said, he had the greatest respect. But it was not the fact, he believed, that the best privateers were limited to fourteen guns; and for proof of this assertion he need only refer to the newspapers of the last week. One or two privateers which had lately come into port, after reaping a rich harvest on the ocean, carried sixteen guns. They were, however, manned by adventurous men, accustomed to man and work what are called the Baltimore schooners, and who, without any disparagement to the officers of the Navy, were better qualified than they for that peculiar class of vessels.

Mr. McKIM, of Maryland, said he was impressed with the belief that the smaller description of vessels embraced in the bill would be more beneficial than the large class now proposed. If we take a view of the cruises of different vessels, public and private, of various sizes, it must be obvious that smaller vessels are abundantly more efficient than the larger ones. The larger vessels added to our glory, and proved our military capacity on the ocean; never had the valor, intrepidity, and nautical skill of any nation been more distinguished than those of the United States. But he was astonished to hear any gentleman assert that small vessels were not more efficient in annoying the commerce of the enemy than larger ones. It appeared to him that our naval military renown had been raised to the highest point; and, if he had the management, he would not again send out our larger vessels during the war, for there would be little chance of meeting with vessels of the enemy except in squadron. Our object is now to attack the enemy where he is most vulnerable, in his commerce; for that purpose, he was decidedly of opinion the smaller class of vessels was the best, and the expense of them not more than

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thirty or thirty-five thousand dollars each. Britain now enjoyed almost the whole carrying trade of the world. It is in our power, in a great degree, to deprive her of the advantages of it, and he hoped we should avail ourselves of the opportunity.

Mr. WRIGHT, of Maryland, adverted to the cruise of the *Mammoth* privateer, noticed in this morning's paper, and read it as an argument in favor of the bill. As to the rigging, it was not prescribed in the bill, but left, as it should be, to the discretion of the Head of the Department. As to the discredit of running from an enemy, Mr. W. asked if any honor was lost if by accident our naval officers in these vessels should fall into the hands of an enemy treble or ten times its force, or if they made every exertion to escape capture by superior force. He contended not. The cruise of the *Mammoth* proves the efficacy of these vessels; she captured and destroyed twenty-one vessels, saw many cruisers, but escaped from them all, any thing in the remarks of the gentleman to the contrary notwithstanding.

When France had been obliged to shut up her ships-of-the-line in port, she had greatly annoyed the British commerce by her small cruisers. Let gentlemen turn their eyes to the accounts of the dissatisfaction at Lloyd's, and they will find the enterprise of our privateers and small national armed vessels has greatly vexed the British merchants. We can fit out three or four of these for the cost of one sloop of war; even the smallest class were equal to cope with any merchantman; and they were not expected to catch frigates. They had been compared to hawks. Making use of this comparison, he said he had never heard of a hawk catching an eagle, though eagles frequently caught hawks. For, he said, these small vessels were not expected to encounter frigates or sloops of war. He compared them to the skirmishers of an army, who fight till outnumbered, and then retreat to the main body. Our large vessels could not get in or out, whilst these flyers would defy the cruisers of the enemy to blockade them. A privateer of eight guns, he said, was able to take a merchant ship of forty guns and only half the number of men. He made some allusion to the use of liquid fire, to be used at sea and spouted on the enemy. Gentlemen might laugh at this idea, he said, but he had no doubt, if it were made the interest of the region from which the gentleman from Massachusetts comes, the people in that quarter would find the means of applying this invention, which had received the warm approbation of some men well skilled in nautical war. If these vessels carried too many guns, it would impede their sailing. This description of vessels (Baltimore flyers) required to be trimmed and navigated in a particular way; and he did not know, if the enemy got possession of one of them, but they would upset it from ignorance of the manner of sailing it. It would be folly of an extraordinary kind, Mr. W. said,

to send our frigates out for the purpose of fighting alone against so superior a force as they must encounter; for even the French, with their great navy, had been obliged to lay it up when at war with England, or else to send out squadrons by stealth. As to these schooners, Mr. W. said, they could not be caught; you might as well attempt to catch a bird. They can sail nearer the wind than square rigged vessels, &c. He knew enough of navigation to know that they could, in that way, out-sail square-rigged vessels, &c. He hoped, therefore, the gentleman from Massachusetts would sanction this bill as it stood, any thing in his opposition to the war to the contrary notwithstanding.

Mr. LOWMEYER said he should vote against this amendment, in expectation that the amendment suggested by Mr. INGERSOLL would be accepted. He was in favor of vesting a discretion in the Executive as to the precise rate of these vessels. Listening attentively to the arguments, he could see no ground on which to believe that the House were more competent to decide the question as to the proper rate of these vessels, and the proper number of guns or masts they should carry, than the Secretary of the Navy, to whom therefore he was disposed to consign this question. In respect to one point, the capacity of schooners to outsail square rigged vessels, he could say the gentleman from Maryland was mistaken. He was informed by a naval officer, than whom there was none in whom more confidence might be reposed, (Captain Perry,) that he had never known an instance in which a brig of the United States had failed to overtake a schooner. The brigs of the enemy might not be able to overtake our schooners; but this difference arose from the superiority of our seamanship. Without assigning the reasons which satisfied his mind of the expediency of a larger class of vessels, he said he should vote against this amendment, with a view to vote for one which should leave a wider discretion with the Executive.

Mr. INGERSOLL then moved to amend the bill by striking out 14, the maximum, and inserting 22 guns, so as that the rate of the vessels shall not fall short of 8, nor exceed 22 guns.

This motion was negatived—ayes only 25.

The committee then rose and reported the bill to the House, who agreed to the amendment which had been made to it.

The bill was then ordered to be read a third time to-morrow.*

* This was a movement in the right direction. Private armed vessels, and the success of small ships of war cruising as privateers, had taught Congress a lesson—that small vessels, not large ships, were the effective means of attacking and annoying the enemy's commerce. The number of prizes taken had been great—some accounts placing them at near 3,000. The twenty small vessels now proposed to be built, and which the peace rendered unnecessary, showed the appreciation which experience brought to this mode of warfare, and for which the United States above all nations

THURSDAY, November 10.

Army Supplies and Discipline.

Mr. CALHOUN, of South Carolina, offered for consideration the following resolutions:

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of changing the present mode of supplying the Army by contracts, or some other better calculated for a state of war, and that they have leave to report by bill or otherwise.

Resolved, That the Secretary of War be directed to inform the House whether the Army of the United States is trained by any one uniform system of discipline; and, if not, what are the causes which have prevented it.

Mr. CALHOUN said it was not necessary to state to the House, that next to having an army, to have it well supplied and well trained was an object of the greatest importance. He had been informed, from a source to be relied on, that the present mode of supplying the Army, whilst it subjected the public to speculations by the contractors, was frequently on great emergencies found wholly inefficient. One of the most important enterprises in the South would have failed in consequence of the deficiency of the contractor, had not the difficulty been overcome by the great energy of the Commanding General on that occasion. There was, he had also understood, a variance in the discipline of the Army, in consequence of five or six different systems employed in training of the Army. So great was this variance, that no large body of our Army, Brown's command perhaps excepted, could be properly exercised together.

The resolutions were agreed to.

FRIDAY, November 11.

Another member, to wit, from New York, ISAAC WILLIAMS, jr., appeared, and took his seat. On motion of Mr. CONDUCT,

Resolved, That the report and documents submitted to the House, on the 9th of April last, by the committee appointed to inquire into the manner of making contracts for supplying the Army of the United States, be referred to the Committee on Public Expenditures, with instructions to inquire in what particular instances, if any, the public moneys advanced to

in the world are best adapted, both from the extent and configuration of their coast, (allowing easy egress and regress to their privateers,) and the skill of their people in building vessels, and their skill, courage, and enterprise in sailing and fighting them. Yet the administration of Mr. Pierce entertained a proposition from the great European powers to abolish privateering; which was simply a proposition on their part to cut off our right in naval warfare, and to alter our constitution by an executive agreement with themselves. The constitution gives Congress powers to issue letters of marque and reprisal: the European proposition went to expunge that clause, and to deprive Congress—the war-making power—of one of the means, and a principal one, which the constitution gave it for carrying on war.

quartermasters and army contractors have been misapplied; what losses, if any, are likely to be sustained, and what measures, if any, are taken for their recovery; and that said committee be further instructed to inquire and report to this House, in what particular instances, if any, the supplies of provisions and other necessaries, furnished by the contractors for the use of the militia, when in service, have been found to be either deficient in quantity or unfit for use, together with such amendments as the laws on these subjects may, in their opinion, require.

Pay of the Troops.

Mr. HARRIS, of Tennessee, submitted for consideration the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of providing by law that any kind of money which may be paid by the Government to the troops in the service of the United States, for military services, shall be receivable in payment from the people for their taxes.

Mr. H. said that the propriety of offering the resolution had suggested itself to his mind from the circumstance of the Tennessee troops having been paid for their services in the Creek war, with Chillicothe notes. It was true, he said, that some of the notes were made payable in Baltimore and Philadelphia, but many of them were payable at the Chillicothe Bank, in Ohio. These notes, he said, would not pass in Tennessee, without a discount of from ten to twenty-five per cent. and that the tax gatherers were not authorized to receive them in the payment of taxes. Mr. H. said that a provision like the one contemplated by the resolution, would prevent the paymasters from speculating upon the people. That it was now in the power of the paymasters to make arrangements so as to pay troops off with notes on the most distant and inconvenient banks, and afterwards to have them purchased up at a considerable discount. It was a fact, he said, that the Chillicothe notes would not be taken from the people in Tennessee, even by the merchants, without a discount of at least ten per cent. He said that the Tennessee troops who fought last winter the Creek war, and returned covered with scars, received for their services these notes, which are not allowed to be taken in the payment of their taxes. For this evil he hoped the Committee of Ways and Means would be able to provide a remedy.

The motion was agreed to.

Small Armed Vessels.

Mr. PLEASANTS, of Virginia, from the committee of conference on the disagreeing votes of the two Houses relative to the bill authorizing the purchase or building of not more than twenty small armed vessels, made a report recommending the House to strike out the words "twenty-two" guns and insert "sixteen;" so as that the vessels to be built or purchased shall carry not less than eight nor more than sixteen guns.

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Treasury Notes.

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Mr. P. stated, that on recurring to the letter of the Secretary of the Navy, recommending the authorization of those vessels, it appeared that they were intended to be schooners. It was pretty well understood that sixteen was the largest number of guns which the largest class of schooners carries. The vessels embraced by the bill were considered by the Naval Committee merely in the light of a temporary acquisition, not as a permanent addition to the Navy. Vessels of this description could be very readily obtained, prepared with great facility and sent to sea with expedition, (which was a great object,) and when there was no longer occasion for them, could be disposed of at their full value. All these considerations, combined, urged the adoption of the modification proposed by the committee.

The report of the committee of conference was then agreed to.

SATURDAY, November 12.

Treasury Notes.

The following resolutions were submitted for consideration by Mr. HALL:

1. *Resolved*, That the Committee of Ways and Means be directed to inquire into the expediency of authorizing the Secretary of the Treasury to issue notes convenient for circulation, to the amount of — millions of dollars, under such checks as may be thought best calculated to detect counterfeits, in which alone, and gold and silver, shall all taxes, duties, imposts, or debts due, or which hereafter become due to the United States, be paid.

2. *Resolved*, That the Treasury notes which may be issued as aforesaid, shall be a legal tender in all debts due, or which may hereafter become due, between the citizens of the United States, or between a citizen of the United States and a citizen or subject of any foreign State or Kingdom.

3. *Resolved*, That the Secretary of War, under the direction of the President, shall cause to be purchased, in each State and Territory, and in each collection district thereof, as nearly as circumstances will permit, supplies for the Army and Navy of the United States, to the amount of taxes to be collected in each State, Territory, and collection district.

4. *Resolved*, That any individual, or body corporate or politic, at the expiration of twelve months from the date of the Treasury notes, by them held, and annually thereafter at their option, may fund the same, and receive in lieu thereof six per cent. stock.

5. *Resolved*, That, after paying the annual amount of principal and interest of the existing public debt, and the interest which may accrue on the stock created, by funding the Treasury notes to be issued by the Secretary of the Treasury, the whole amount of taxes, duties, imposts, and sales of public lands, shall be pledged for the redemption of the notes which may remain in circulation.

Upon each of these resolutions Mr. H. made a number of remarks. He said they embraced, together, a system, he verily believed was the only one which would relieve the United States from their present difficulty, and support the public credit in future. The want of a circulating medium was generally felt; and, indeed,

without it, the people in the interior would be unable to pay their taxes, deprived as they were of a market for their surplus produce. Bank paper of one section of the country was in a state of depreciation in another; and unless some medium of general credit was immediately established, incalculable evils would result, &c.

The question on consideration of these resolves was taken separately, at the instance of Mr. OAKLEY.

The House agreed to consider the 1st, 3d, 4th, and 5th, but refused to consider the 2d, by the following vote, as taken by yeas and nays—for considering it 42, against it 95.

The question having been stated on agreeing to the other resolutions—

Mr. GASTON, of North Carolina, said, that, in the absence of the Chairman of the Committee of Ways and Means, he should assign reasons, which he hoped would appear satisfactory, for the motion he was about to make. The resolutions, so far as they were directory to the committee, enjoined on it no other duties than it had already performed. To establish a circulating medium, the Committee of Ways and Means had proposed, in their report, at an early day in the session, to issue Treasury notes, in many respects resembling the species of paper embraced in the motion of the gentleman from Georgia. Soon after the committee made this report, a correspondence had been opened through the chairman, between the committee and the new Secretary of the Treasury, which correspondence had been already laid before the House. The Secretary of the Treasury, believing that the emission of Treasury notes could only be made with advantage to a certain extent, had thought proper to suggest a proposition for supplying a circulating medium of general confidence, by establishing a National Bank. After receiving and reporting this correspondence, the Committee of Ways and Means had thought proper to report, in general terms, a resolution that it is expedient to establish a National Bank; which resolution had received the sanction of the House. A plan, in pursuance of that resolution, had been reported, and was now in possession of the House. The House were then in possession of two projects; the one first reported, for issuing Treasury notes, and that now reported, for the establishment of a bank. The object of the resolutions now before the House, was to direct the committee to make an inquiry already made, and its result reported to the House. Treasury notes must be the alternative, if a National Bank be not established; and when the House should so decide, the committee would have pleasure in carrying the wishes of the House into effect. In the mean time, Mr. G. moved that these resolves should lie on the table.

Mr. HALL said he was well aware of the first report made by the Committee of Ways and Means, and also of the second, which had been adopted by the House. This was the only reason which induced him to bring forward those

resolutions; because he believed the system recommended by the Committee of Ways and Means to be totally inadequate to the occasion. It was proposed to establish a bank of fifty millions of dollars, with only six millions of specie. To him this appeared one of the most extraordinary propositions ever laid before a public body. It was time to lay aside these visionary projects, and come to a direct question on some practicable system. Establish your bank, said Mr. H., and what will be the consequence? It will be established at last only on the credit of the Government, because forty-four out of fifty millions of the capital are to be paid in stock. If the bills of the bank circulate, it will be on the credit of the Government, and not on the credit of the capital. As to the bank coming in aid of the Government, would gentlemen say that it could give aid to the Government? Could it lend the Government thirty millions of dollars? If it did, and the Northern and Eastern capitalists continue opposed to your measures, they will have it in their power within twelve months to arrest the operations of the bank, by accumulating in their hands its notes, which must circulate principally in the North and East. Such a system, therefore, he considered as improper, impolitic, and one of the most ruinous measures which could be adopted by the Government. Mr. H. was also averse to postponement, because he considered this the most important subject that could possibly be brought before the House; because, on its adoption depended entirely the future credit of the Government. The measures heretofore adopted by the Government in respect to the public revenue and credit, had, Mr. H. said, been the best calculated to defeat their object. The time was come when the nation ought to depend on its own means, and resort no more to theoretic expedients. He was sorry the House had refused to consider the second resolution, which he considered very material; but he hoped they would adopt the others.

The question on laying the resolutions on the table, was then decided in the affirmative by a large majority.

MONDAY, November 14.

BENJAMIN STEPHENSON, returned to serve as a Delegate for the Territory of Illinois, in the place of Shadrack Bond, resigned, appeared, produced his credentials, was qualified, and took his seat.

Bank of the United States.

The House then resolved itself into a Committee of the Whole, on the bill to incorporate the subscribers to the Bank of the United States of America.

The first section of the bill having been read, Mr. GASTON, of North Carolina, then said, before the committee proceeded further in the bill, he wished to propose a material amendment to it, and with a view to ascertain whether the House were disposed to hear him in sup-

port of his motion at that late hour of the day, he moved that the committee now rise. This motion was negatived.

Mr. G. proceeded, in a speech of considerable ability, and more than an hour in length, to lay before the committee his views in relation to this bill. He professed himself anxious for the establishment of a National Bank, which he had always favored when opportunity offered. But it was his decided conviction, he said, that a bill like that on the table would not answer the purposes of the nation or of the Government. This view of the subject he supported by various objections to different features of the bill, and particularly to the mode of subscription in stock of the United States; the operation of all which, he contended, would be to throw into circulation a quantity of paper, founded not on a specie capital, but on the credit of the United States stock, &c., which would therefore be of no greater value than any other paper which the United States should make receivable in taxes, though much more expensive to the United States than Treasury notes or bills of credit would be, &c. In support of this idea, Mr. G. adduced many illustrations, from writers on this subject, from our own history, and from analogy. He objected also to the proposed appointment of a part of the directors by the President, to the large portion of the stock to be held by the United States, &c. He wound up his argument on these and other points by observing, that as he was friendly in principle to the establishment of a National Bank, he should not consider himself as doing his duty, if, while he disapproved of this plan, he did not offer another as a substitute to it. Instead of a bank of a nominal capital of fifty millions, he would establish a bank whose capital should not, at farthest, exceed twenty millions. He considered it as by no means important to its success that the Government should subscribe a cent to its capital stock; but as that was a fashionable idea, he would say a portion of the capital, five millions, should be subscribed by the Government; that the remaining fifteen millions should be subscribed by individuals, five millions of it at least in specie, the remainder either in Treasury notes at par, or in six per cent. stock of future loans at par, or six per cent. stock of former loans at the price at which it was contracted for with the Government. So far from such stock being inalienable, as now proposed, he would permit the directors to manage and dispose of it as they pleased. They might lend money to the Government if they found it to their interest and convenience to do so. He would abolish from such a charter the idea that the fiat of the President should at any time suspend the payment of specie by the bank, &c. If any plan of a National Bank could succeed, it must be on something like the plan of which this was the outline. To try the principle of this bill, and whether the House were disposed to accept any amendment whatever, to it, Mr. G. concluded his speech by moving

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to strike out fifty millions (the proposed capital stock of the bank) and insert in lieu thereof twenty millions.

On motion of Mr. HOPKINS, of Kentucky, the committee then rose, and obtained leave to sit again.

WEDNESDAY, November 16.

RUFUS EASTON, returned to serve as the Delegate from the Territory of Missouri, appeared, produced his credentials, was qualified, and took his seat.

Bank of the United States.

The House resumed, in Committee of the Whole, the consideration of the bill to incorporate the subscribers to the Bank of the United States of America.

At the request of Mr. CALHOUN, of South Carolina, who desired to propose another amendment, Mr. BRADBURY, of Massachusetts, withdrew the amendment he offered yesterday. A great part of his object, he said, had been answered, by arresting the attention of the committee on this subject.

Mr. CALHOUN then, in a very ingenious and elaborate speech, laid before the House his views on this subject, and the reasons why he should propose a total change in the features of the bill. The motion he now made was one of limited character, but such a one as he proposed to follow up by other amendments, or by distinct Legislative provisions, which should together embrace a plan of which the following is a brief outline: The capital of the bank remaining unchanged, at fifty millions, the payments of subscriptions to this capital stock to be made in the proportion of one-tenth in specie (which he afterwards varied to six-fiftieths) and the remainder in specie, or in Treasury notes to be hereafter issued; subscriptions to be opened monthly in the three last days of each month, beginning with January next, for certain proportions of the stock, until the whole is subscribed—payment to be made at the time of subscribing; the shares to consist of one hundred instead of five hundred dollars each; the United States to hold no stock in bank, nor any agency in its disposal, nor control over its operations, nor right to suspend specie payments. The amount of Treasury notes to be subscribed, viz. forty-five millions, to be provided for by future acts of Congress, and to be disposed of in something like the following way, viz: fifteen millions of the amount to be placed in the hands of the agents, appointed for the purpose, or in the hands of the present Commissioners of the Sinking Fund, to go into the stock market, to convert the Treasury notes into stock; another sum, say five millions, to be applied to the redemption of the Treasury notes becoming due at the commencement of the ensuing year; the remaining twenty millions he proposed to throw into circulation as widely as possible. They might be issued in such proportions monthly as to be absorbed in the subscriptions to the bank

at the end of each month, &c. This operation, he presumed, would raise the value of Treasury notes perhaps twenty or thirty per cent. above par, being the value of the privilege of taking the bank stock, and thus afford at the same time a bonus and an indirect loan to the Government; making unnecessary any loan by the bank until its extended circulation of paper shall enable it to make a loan which shall be advantageous to the United States. The Treasury notes so to be issued to be redeemable in stock at six per cent., disposable by the bank at its pleasure, and without the sanction of Government; to whom neither is the bank to be compelled to loan any money. This, it is believed, is, in a few words, a fair statement of the project of Mr. CALHOUN, which he supported by a variety of explanations of its operations, &c.; the notes of the bank, when in operation, to be received exclusively in the payment of all taxes, duties, and debts to the United States. The operation of this combined plan, Mr. C. conceived, would be to afford, 1. Relief from the immediate pressure on the Treasury; 2. A permanent elevation of the public credit; and, 3. A permanent and safe circulating medium of general credit. The bank should go into operation, he proposed, in April next. He concluded his exposition by a motion, the effect of which is to deprive the United States of any share in the stock of the bank, and to change the proportions of specie and paper in which it shall be payable to one-tenth in specie, and nine-tenths in Treasury notes.

This motion opened a wide and interesting scene of debate.

Mr. FISK attacked Mr. CALHOUN's proposition with considerable zeal, principally on two points: its failure to provide for the present absorption of United States stock, and the difficulty which would occur in the circulation and disposal of so immense a mass of Treasury notes. He drew a comparison between Mr. CALHOUN's *project* and that of the Committee of Ways and Means, highly favorable to the latter.

Mr. FORSYTH, of Georgia, opposed the adoption of this proposition, and examined the features of the amendment proposed by Mr. CALHOUN, and the arguments advanced in favor of it. He was opposed to it in nearly all its features, and greatly preferred the plan reported by the Committee of Ways and Means. His arguments were principally in reply to those of Mr. CALHOUN, which is generally pronounced to be erroneous and delusive.

Mr. LOWMYER, of South Carolina, replied at considerable length to Mr. FORSYTH, and vindicated the proposition of Mr. CALHOUN, in an able argument on the principal points of objection urged by Mr. FORSYTH, and in illustration of the principles of the bill. He showed what he believed a decided superiority of the amendment over the original project of the Committee of Ways and Means.

When Mr. LOWMYER ended his speech, the

debate on the main question terminated, and this day's sitting ended with the following skirmishing debate, during the whole of which the chairman and the members of the House were endeavoring to limit the debate to the question before the House.

Mr. OAKLEY, of New York, after remarking on the very high importance of this subject, and the magnitude of the change which this amendment proposed to introduce into the principles of the bill, and the obvious necessity of further time for consideration of so important an amendment, moved that the committee rise, report progress, and ask leave to sit again.

Mr. INGHAM, of Pennsylvania, with much warmth, opposed this motion. He feared, if the House were to adjourn without deciding on this motion, coming from the imposing quarter whence it did, and supported with so much ability from the gentleman from South Carolina, it would arrest the loan of three millions, and even the nine million loan, which were absolutely indispensable to support the Military Establishment and other departments of the Government. What, then, he asked, would become of the soldier who is now in a Northern climate, depending on the fate of these loans for his pay, clothing, and sustenance? Whoever, in the face of such considerations, should vote to rise without deciding on this proposition, possessed, he said, more courage and philosophy of temper than he would boast. He hoped the committee would not rise without deciding on this motion.

Mr. GROSVENOR, of New York, said he hoped the committee would rise. This was the very question, how money should be raised, whether by Treasury bills or by any other mode, which more than any other required the deliberate decision of Congress. It was not a question simply of paying the militia of the army now out, but of establishing a system which should enable the Government to discharge all the demands against it. It was all-important, on such a subject as this more than on any other, to vote considerably and after deliberation. The proposition of the gentleman from South Carolina he considered to be generally advantageous; but he had some objections to it, which he wished an opportunity to submit. He hoped, before deciding on a subject like this, the House would take due time to deliberate on a proposition to throw into circulation fifty millions of Treasury notes, trusting to the bank for their absorption.

Mr. SHARPE, of Kentucky, said he hoped the committee would not rise. He wished, before rising, that they would decide upon the proposition before them; not, however, for the reasons expressed by the gentleman from Pennsylvania. He did not, like that gentleman, conceive that the decision on this amendment could affect the loans; for one, he said, he protested against loans made, or to be made, on the expectation of the creation of a bank to give a

bonus to the holders of the public stock, in addition to that which they have already contracted to receive from the Government. It was important that some decision on this subject should immediately take place, which had been already three days debated; and he knew of no plan which would be so operative as that now proposed by his friend from South Carolina, whose arguments, he said, together with those of his colleague, (Mr. LOWNDES,) were something like mathematical demonstration.

Mr. OAKLEY denied any weight to the remarks of the gentleman from Pennsylvania, and allowed almost as little to the argument of Mr. SHARPE, that three days had been consumed in the discussion of this subject. He should, for his part, say that three weeks might be well employed in the discussion of a project for establishing a bank with a capital of fifty millions of dollars—a capital sufficiently large to influence the destinies of this nation to future ages. He was friendly to the main principles of Mr. CALHOUN's proposition; but he was not certain but there might be radical objections to some of them. He hoped some indulgence would be afforded to those who, like him, wished to deliver their opinion on this subject.

Mr. INGHAM remarked, that the House had been sitting here nine weeks, and not a single measure had been definitively adopted for the support of the public credit. Delay and procrastination had taken place day after day; and, if the House were to wait until every gentleman was satisfied as to every word and letter in a bill, it would never get through one. The very suggestion of such an amendment as that now under consideration, would, he said, produce ill consequences. It ought to be determined, therefore, as early as possible. He did know that a speech (Mr. JACKSON's) delivered in this House had depressed the price of stocks in Philadelphia full two and a half per cent. The proposition now before the House he feared, would depress them still further; and, when the public stock was in a state of depression, going down, down, down, he was unwilling the House should take any course which should still further prostrate it.

Mr. FISK hoped the committee would not be induced to rise, at the early hour of three o'clock, by the old plea of want of time for consideration. It was important now to act, and that the whole course of proceedings of the House should be reformed, and one of greater energy and promptitude substituted.

Mr. GROSVENOR said this was no ordinary subject, on which men could make up their minds in a moment; and, although some gentlemen might be prepared to vote on it, he hoped they would allow some time to those who desired to reflect before they voted on a question of so great moment.

The committee then rose, reported progress, and obtained leave to sit again.

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THURSDAY, November 17.

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The House again went into Committee of the Whole, on the bill to incorporate the subscribers to the Bank of the United States of America.

The amendment yesterday proposed by Mr. CALHOUN to the bill being still under consideration, an amendment was moved thereto by Mr. FRAX, of New York, and accepted by the House, authorizing the receipt of foreign gold and silver coin (as well as gold and silver coin of the United States) in payment for the subscriptions to the stock of the Bank at certain rates expressed in the amendment.

Mr. WRIGHT, of Maryland, in the course of a few remarks on the motion of Mr. CALHOUN, expressed his approbation of the principle, and avowed a decided preference to the plan it embraces over that contained in the original bill.

Mr. SHARPE, of Kentucky, moved to amend the bill so as to preclude any thing but Treasury notes from being received in payment of the forty-four millions, which are now proposed to be payable in specie or in Treasury notes. His object was to prevent the latter payments into the bank from being made by the aid of accommodation from the bank after it goes into operation.

After some conversation, Mr. S. withdrew his amendment with a view of offering it in some future stage of the discussion.

Mr. INGHAM.—Mr. Chairman, as the question on the amendment proposed by the gentleman from South Carolina (Mr. CALHOUN) now recurs, I beg leave to submit a few observations before it is decided. No member of this committee can be more sensible than I am of the disadvantages I shall have to contend with in entering the lists against either of the honorable gentlemen from South Carolina who have supported the amendment; and I am now fully conscious that I shall fail to communicate my ideas with that perspicuity which alone can give them their proper force and effect; yet I am emboldened by the importance of the occasion, and shall rely upon the intelligence of the committee and the subject itself to supply all other deficiencies. The amendment under consideration, taken in connection with the suggestions of the honorable mover, contemplates a radical change of all the principal features of the bill reported by the Committee of Ways and Means; it will, therefore, be necessary, in order to contrast the two plans, to notice that which has been proposed by the committee somewhat at large, though I shall endeavor to be as brief as the subject will possibly admit. It will be seen that the only important features of the bill are: First, the amount of the capital stock. Second, the character of it. Third, the loan to the Government of \$30,000,000; and Fourth, a qualified power to suspend specie payments. To all these points objections have

been urged, either by the gentleman from South Carolina or the gentleman from North Carolina, (Mr. GASTON,) and a particular examination of them becomes necessary as a preliminary to the examination of the amendment. First, with respect to the amount of capital. The bill proposes a capital of \$50,000,000; it is sufficiently apparent that the establishment of the proposed bank is designed as an instrument in aid of other measures, to revive the public credit, and thereby enable the Government to procure the necessary resources to prosecute the war with such effect as to bring a speedy and honorable peace. But we find that, since the commencement of the war, the public stocks have suffered a gradual depression up to the present year, when it seems that loans on any terms are totally at an end. The reason of this is obvious; we have borrowed and attempted to borrow too much, and have not resorted, as we ought to have done, to a more enlarged system of internal revenue. It is unnecessary to go back farther. What is the present state of things? We find the market exhausted of the money and overloaded with the public debt. In addition to this misfortune, we find, literally, no circulating medium in the nation. What then is to be done? You cannot borrow; you cannot impose taxes to the extent of your demands, and even those which are laid, cannot be paid in money that will answer the purposes of the Government. The answer is plain. By withdrawing a portion of the encumbering mass of stock from the market, you relieve it from its pressure—a pressure which bids defiance to your efforts to penetrate it. But if by this process you can convert this weight of debt into an instrument of credit, not only for those interested in it, but for a great portion of the community, and also for the Government to an almost unlimited extent; and at the same time restore the circulation of the money medium to its accustomed action, you have accomplished great and essential purposes. It is for these purposes that this bill was reported, and the amount named in it fixed upon for the capital of a National Bank, that it might absorb such a mass of the encumbering stock as would relieve the market; raise the price of debt not taken up; give facilities to the obtaining of loans for the present year, and for each succeeding year. And here I would beg leave to remark, that an evident repugnance has been manifested by some gentlemen (which I will not, however, impute to the honorable gentleman from South Carolina) to doing any thing to raise the price of public stock, lest those who have purchased at a low rate should be benefited. Permit me to inquire of those who have no gratitude nor feeling for public creditors, who have loaned you their money in the time of your necessity; will you refrain from doing an act indispensably necessary for the credit of the Government, and to enable it to borrow more money, for fear you do a benefit, not to call it an act of justice, to your creditors? I would ask such gentlemen

how they expect to go into the market and sell stock for eighty-eight, when that already sold is every day to be bought for eighty? It is humiliating to dwell upon a subject so plain and simple, and but for the strange declarations which I have heard, it would not have been noticed. Mr. Chairman, there is no consideration which every financier who is obliged to anticipate his resources by loans is more attentive to than that of supporting public credit; or, in other words, keeping up the price of stocks. The faithful payment of interest, though indispensable, is not always sufficient. Sinking funds have therefore been resorted to, but as your power of establishing sinking funds is limited, when we find by a repetition of loans we have overloaded the market, you must, if possible, withdraw that surplusage before you can recommence your loaning operations, and even then you must return to the market with that caution which experience has indicated, as necessary to your success. It is, therefore, that we propose to take out of the market the eighteen millions of stock, and the six millions of Treasury notes; and, as the stocks are now selling at eighty, it was calculated that an advance of twenty-five per cent. upon \$24,000,000, equalized as it would be upon the whole amount of the debt in which subscriptions to the bank could be made, (about eighty millions,) might be computed to advance the whole of these depressed stocks to about eighty-eight; the sum proposed to be absorbed, therefore, was the least amount that could, consistent with the plan, have been taken. But there is another reason why a large capital was determined upon; we prepare, for the sake of mutual benefits to the bank and the Government, to give it great facilities in the circulation of its notes. In fact, this will be almost the only medium which can be employed for the payment of taxes, or to carry on the ordinary commercial intercourse between people of different States, those of most of the State banks being now exclusively confined to a circumscribed atmosphere around the bank from which they issued. With these facilities, it is apparent that the bank may issue considerable quantities of paper, and it was much safer to make the capital of the bank exceed the amount of notes which the demand for circulating medium would enable it to issue, than that it should have power to contract debts equal to its capital. And here it should be observed, that a bank with a small capital, possessing in all other respects the same facilities with a bank with a large capital—specie payments being suspended—will be able to issue nearly, if not exactly, the same quantity of paper. It therefore becomes necessary for the security of the creditors of such a bank that it should have a large capital. I heard the honorable gentleman from South Carolina, (Mr. CALHOUN,) with some degree of astonishment, yesterday state, that a bank of one million of dollars could with safety issue paper to the amount of two or three millions. I would ask

him what would be the situation of an individual whose debts three times exceed his whole real and personal estate? He would be insolvent, and so would the bank. No bank conducted with integrity ever did issue notes to the amount of its capital; and no bank that has any regard to its reputation will ever dare to do it. The gentleman has probably confounded discounts and emission together; an error into which many others have been led before him. Although these operations are intimately connected, yet they are extremely different in their nature; the one constitutes the debts due to the bank, while the other constitutes the debts due by the bank. The gentleman and every member of the committee will see the distinction, and it will be unnecessary further to illustrate it. I think it has been sufficiently shown that a bank, with a capital much less than fifty millions, could not with safety issue upon the customary mode of bank operation notes to meet the present demands for a circulating medium and preserve an adequate security to its creditors. It is I believe unusual for the large State banks to issue in paper more than one-third, or, at most, one-half the amount of their capital, although they often loan or discount to the whole amount.

The next point which presents for consideration is the character of the capital; it is proposed to be constituted of twenty-four millions of public debt that have accrued since March, 1812, or that is now authorized to be created; \$18,000,000 of this will be six per cent. stock and \$6,000,000 in Treasury notes now issued or to be issued in pursuance of existing laws; twenty millions to be subscribed by the Government and paid in six per cent. stock, and six millions in specie. The objections that have been urged to the character of this capital are worthy of some particular notice. We are told "that it is nothing more than a paper bank," "that it is not entitled to credit;" that "its paper will not circulate, having no security for its solvency but the obligation of the Government to pay its debts." It is perhaps fortunate for the friends of this bill that they have the light of experience to justify their expectations and calculations on this subject. Is there not a strong resemblance between the character of this capital and that of the old United States Bank? The amount and proportions are somewhat variant, but the essentials are precisely the same, and when was the validity of that paper questioned? It is true specie payments were not suspended, but everybody knew that while it was doing business upon a capital of ten millions of dollars, issuing notes to the amount of five to six millions, its specie capital only amounted to \$2,500,000, and no difficulties were ever experienced for want of more specie that I have heard of. In ordinary times, there is very little occasion for specie in banking operations; none is wanted except for the payment of balances between the merchants of different cities, between different banks, and the small change

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required by retailers; and the amount of specie required for these purposes does not increase in proportion to the amount of banking capital employed in the country.

In attempting to investigate this new plan, we are subjected to considerable difficulties on the threshold, because it has neither assumed form nor shape. The plan can therefore only be collected from the suggestion of the honorable gentleman in his speech yesterday, except so far as it is found in the amendment on the table, which only appears to be a small patch of the scheme. That the scheme is crude and undigested, there can be little doubt, when we recollect the changes that have been proposed or consented to by the mover since it made its appearance to the committee yesterday; but I will proceed to examine it. The plan proposes to constitute the bank upon a basis of six millions of specie and forty-four millions of Treasury notes; these notes hereafter to be issued, and when subscribed to the bank to be exchanged for six per cent. stock at par; fifteen millions of the forty-four to be placed in the hands of the Commissioners of the Sinking Fund. And to carry the plan into effect, a law must be passed to authorize the issuing of the Treasury notes, and another law to dispose of the fifteen millions in the hands of the Commissioners of the Sinking Fund; and, as there may be a great difference of opinion as to these ulterior measures between the branches of Congress, the possibility of a failure to pass these laws presents a strong objection to the plan. We already find a difference of opinion between the two gentlemen from South Carolina who have supported the amendment; one of them (Mr. Lowndes) altogether disapproves of placing fifteen millions of notes in the hands of the Commissioners of the Sinking Fund, to be exchanged for six per cent. stock and subscribed to the bank. I shall presently consider this part of the subject, with reference to both of their schemes, and in the mean time recur to the proposition to issue either the forty-four or the twenty-nine millions of Treasury notes, for the purpose of being subscribed to the bank; and it may here be observed, that the Treasury notes are not, as some seem to think, calculated for a circulating medium, nor can they ever be made to supply its place; it is an evidence of debt bearing interest, in no essential particular different from the public stock, except that the former is made payable monthly at the end of a year, while the latter are redeemable at a longer period; the interest that accrues retards, instead of accelerating the circulation, and it must partake of all the essential qualities of capital. If, therefore, you issue a sum of Treasury notes, you make virtually a loan to that amount, and especially if they are not to be repaid, as in the present case, at the end of the year; the money market is as much exhausted by the operation as if six per cent. stock is sold to the same amount. It is therefore fair to consider this enormous emission of Treasury notes as a loan, which, by

offering extraordinary inducements, you calculate to effect. Now, in order to judge of the propriety of this measure at this time, we must consider the state of the money market, and also what constitutes the capacity of a people to loan to their Government. It has already been observed that the market is overcharged with stocks, and each succeeding loan has (except in one instance) been obtained on more unfavorable terms than the former. It must be evident, therefore, that we have attempted to borrow, and that we have borrowed too much in proportion to the provisions that have been made to redeem, especially when we consider the stagnation of the medium. The stock market is glutted and overloaded, and you may buy stocks in it at a much cheaper rate than the Government ought to sell them. Is it then prudent or wise to force out at such a time, in one year, the enormous sum of forty-four millions of new stock to accumulate this now insupportable burden on the market? It should be recollected that the amount which the people can loan to their Government, within a given time, can never exceed the amount of their net profits for the same time; and in a country like this, where there are so many avenues to wealth by the reinvestment of the yearly profits in capital, either by enlarging existing establishments, or engaging in new employments, it cannot be expected that any very considerable portion of the annual profits can be borrowed, without giving a high premium for them. But at this particular time, owing to the interruption of all business by the stoppage of specie payments by the banks, and the consequent location of their paper to a very limited boundary, it cannot be expected that the habits of industry or means of loaning can be near as great as they will be when the circulating medium of the country shall resume its accustomed activity. If these premises are correct, the conclusion is inevitable, that it would not only be unwise and impolitic to press so great a loan as it were by force upon the market at this time, but that it would be much more safe and prudent to withdraw a part of the stocks from the market, and abstain if possible from pressing it again until it shall have become relieved by the income of the succeeding year. Hence it is that we propose to require the bank to loan money to the Government, a part of which would perhaps be required for the next year, and the remainder reserved for similar exigencies. But the honorable gentleman from South Carolina calculates to obviate all difficulties and embarrassments for two years, by the sale of the twenty-nine or the forty-four millions of Treasury notes, which he calculates will readily be sold at par, nay, even at a premium. Now, as the amendment stood when he delivered his speech, and as it now stands (although I am aware of the proposition of the honorable gentleman from Kentucky to require payment for the bank subscription to be made in Treasury notes only, to the amount of forty-four millions, which he had thought pro-

per, however, on reflection to withdraw, and which upon more mature reflection, I am sure I will not renew—as the amendment now stands, the payments may be made in Treasury notes or gold and silver. And how will Treasury notes be sold for specie or bank notes of equal value, at a premium or at par, when the specie can be paid directly into the bank? The thing is too absurd to dwell upon for a moment. But perhaps we shall be told that the subscriptions for the forty-four millions must be paid in Treasury notes only. I can hardly think it possible that the honorable gentleman, with all his courage, would venture upon such a measure to force his Treasury notes into the market; it would be little better than a tender law; in principle and in its operation most iniquitous, and injurious to the success of his plan. For instance, an individual being in possession of specie must be compelled to buy Treasury notes before he can subscribe to the bank—thus preventing specie from finding its way into bank, which must always continue its specie payments, and he must be subjected to the risk of not being able to secure the amount of his subscription to the bank; in which case there will no doubt be a loss upon the Treasury notes that are not absorbed, and of course the less inducement to buy them. But it does not appear to me that the Treasury notes can be sold to the amount proposed. How are they to be paid for? Specie cannot be found: will you sell them for bank notes? One-half of these, if the Treasury notes are distributed over the States for sale, as the gentleman proposes, will answer the Government no purpose. It has now near three millions of Southern notes, which cannot be applied to the payment of the interest on the public debt in Boston—nor can the notes of Baltimore be certainly applied to the payment of debts even in Philadelphia. How then can these forty-four millions of Treasury notes be sold for a valuable consideration in any State where the taxes exceed the disbursements of the Government, and in which the banks do not pay specie? The gentlemen of this House may, perhaps, take a few of their per diems home in Treasury notes, but it will be impossible to distribute them when the credit of the Government exceeds its debts, unless you give them away. But the gentleman proposes to reduce the denomination—and what will this avail his plan? A few of them may be picked up by hucksters and tin-peddlers, and there it will end. You cannot pay money where you do not owe it, nor sell Treasury notes to people who have no money to buy them with, or whose money answers you no purpose. I conclude, thus far, that the scheme is unwise, impolitic, and impracticable.

But I can scarcely hope to convince the honorable gentleman from South Carolina. He appears to be so enthusiastically attached to his propositions, that he has called in the aid of his prophetic spirit to sustain him, and has painted in glowing colors the prospect of the

blockade being raised, and the speedy restoration of our foreign commerce and coasting trade to their accustomed activity. But I cannot rely upon anticipations of this kind, though I have often listened with pleasure to them. I have heard of his prophecies before, and recollect listening with pleasure, though with some degree of scepticism, to a speech of his, highly colored with promising prospects, on a bill which has contributed to produce, more than any other cause, our present fiscal embarrassments. It does appear to me that the wisest course would be not to yield to visionary speculations, nor to adapt our measures to a state of things not likely to be realized. We have been trying expedients too long. Solid, substantial, and lasting measures are now indispensable. Such is the character of the proposition contained in the bill, while the amendment proposed totally changes its character as well as form. That which was designed as an agent to revive public credit, to supply the present exigence of the country, and give such facility in obtaining future loans as would enable us to prosecute this war with vigor and effect, is to be converted into a machine to squeeze a little depreciated money out of the people for the present—abandoning the other great and important objects, so indispensably necessary to be effected.

Mr. INGERSOLL said that he inserted himself into this debate with great reluctance; almost in despair—reluctance to take part in a discussion for which he had no inclination, and which he thought had better be left to the members of the committee who had reported the bill—in despair, because he had no hope of making any impression on an assembly but too studious of change, too fond of novelty, too apt to think that national wealth was most certainly to be found in individual impoverishment. Ever since this war was declared, and, indeed, since the session of Congress preceding it, the nation had been kept alive on sickly hopes of peace and the empirical sustenance of inadequate loans; and it was not till just now, when these flattering unctious were no longer applicable, that we had made up our minds to the solid food of heavy taxes, pledges of them in sinking funds, and a national banking institution. For his part, Mr. I. said, he had uniformly denied and deprecated the effects anticipated from the Russian mediation, as well as those of the negotiation subsequently translated from Gottenburg to Ghent. These always appeared to him to be the *beau ideal* of our Foreign Relations. He had never ceased to remonstrate against abstracting an eminent person from the head of the Treasury Department, to send him to make the grand tour of Europe in pursuit of peace. I have invariably thought and said, said Mr. I., that the only policy was that just indicated by my friend and colleague, who preceded me, (Mr. INGHAM,) to look the difficulties manfully in the face, conceive them at their worst, and deal with them accordingly. We

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have at last come to this complexion, and I congratulate the country on the occasion. We never should have had peace until war was waged in earnest; and, perhaps, we are now much nearer to a termination of hostilities than we were while subsisting on pacific overtures.

The Treasury Department, in concert, and after long consideration with the Committee of Ways and Means, assuming the responsibility of their respective stations, have recommended to us the plan of a bank which is comprehended in the bill under discussion. In this Congress of Ambassadors, (as I think it was the late President Adams, in his *Treatise on the Constitution*, very aptly denominates us,) rather than a Congress of the Representatives of different portions of the same people, it should always be the first preliminary to entering upon any subject, the *sine qua non*—since *sine quâ non* are so much the mode in modern Congresses—to agree, by mutual sacrifices of pride of opinion and the spirit of system, to endeavor to attain some practicable object and result. It is well known to every member that a National Bank, while nearly all acknowledge the imperious necessity of such an establishment, has to encounter the various obstacles and collisions which arise from various quarters of this House. In the first place, it is to be opposed by the gentlemen on the opposite side, who, deeming the war unjust in its origin, deem it, moreover, a constitutional and correct orbit of opposition to move indiscriminately against every measure calculated to act in furtherance of the war. I will not take upon myself to determine whether this is a proper view of the subject. We, at all events, know that it is one most steadfastly adhered to. In the next place a bank is resisted by certain scruples respecting the constitutional power of Congress to create one, which obtain with several gentlemen on this side of the House. And lastly, it cannot be doubted but that the most powerful, pervading, and indefatigable hostility out of doors will be organized by the innumerable State banking institutions, which comprehend within the sphere of their influence almost every man of property in the country, who may apprehend that a Bank of the United States would tend to curtail, to cripple, or to destroy their resources. As long, however, as the objections urged on this floor were confined to those which might have been expected, and which may be urged against all such establishments, I did not suppose it incumbent on any member to assist those gentlemen of the committee who have the particular conveyance of this bill through the House. I should not have presumed, therefore, to mingle in the debate in reply to such objections. Indeed, the grounds which were eloquently occupied by the gentleman from North Carolina (Mr. GASTON) seemed to me to be sufficiently answered by himself, for I really think that there were few of the difficulties which he recapitulated against the proposed plan that are not in equal force of existence against the sub-

stitute he suggested. As to plans, indeed, I am not, myself, at all tenacious. Any plan will answer my purposes that promises to restore public credit and create a circulating medium. Nor can we, to be sure, complain of any deficiency of projects. Almost every gentleman has his own; and, if you happen to look into a newspaper, *ecce homo!* here is a daily column of most comfortable schemes, already printed for your perusal. [In allusion to a voluminous writer on these subjects in the *National Intelligencer*, who affixed the signature of "Homo" to his essays.] It affords me pleasure to bear testimony to the satisfaction with which I followed the gentleman from South Carolina (Mr. CALHOUN) in the development of his substitute for the system recommended by the Treasury Department. I must do that gentleman the justice to say that his views were exhibited in a clear, connected, and well-digested discourse on this abstruse and complicated subject, in which he unquestionably showed, at least, his own preparation and capacity for explaining and supporting any favorite project he may choose to introduce; and, while I declare my unequivocal opinion that his appears to me to be the most fantastic, impracticable, and, I will add, pernicious of all the plans we could adopt, calculated inevitably to destroy the public credit of this Government—to damn it to all eternity—yet, so anxious am I to provide for the crisis which presses on us, that I would rather fall in even with this alternative, at the expense of all your remaining public credit, in preference to not voting for some immediate means for meeting present embarrassments. If we must ruin our existing creditors in order to procure fresh supplies, and if that is the best manner of procuring them, I profess my readiness to proceed to so deplorable a resort, rather than to omit altogether the making of some provision for the exigency. But the gentleman from South Carolina (Mr. CALHOUN) has pointed out to us a stream of finance which positively is not navigable. We may trace its origin and follow its course—seemingly a fine volume of water, fertilizing as it flows—until we behold it emptying itself into the ocean; but when we come to try its usefulness, we find that, like the river Susquehanna, its navigation is doubtful, dangerous, and unsafe. It invites population to settle on its shores, but diseases and death infect them; and we are amazed to discover, on experiment, how fatally it disappoints the expectations that were at first encouraged of its beneficial properties. Nothing but a freshet will justify our venturing on this current; and that is precarious, uncertain, and alarming.

Let us examine this unexpected substitute. What do we find? Why, sir, in the outset, an insuperable difficulty, *in limine*, before we reach the body of the project. The gentleman from South Carolina, (Mr. CALHOUN,) who, no doubt, in the zeal of an ardent mind, let drop some rather inadmissible expressions by way of fore-

stalling the objections he anticipated to his scheme, will excuse me for the similitude; but really it reminds me of the French veterinary surgeon, who killed the sick horse, in order that he might prove his skill by restoring him to life. Is it not so? Does not his plan demand, as its first postulate, a total prostration of the public means, an absolute vacuum in the Treasury, to be afterwards revived by filling it with forty millions of Treasury notes? Does it not require that the twelve millions which are indispensable for the current quarter of this year, should be sacrificed, and that the Government should stop payment for the present, relying on this scheme for obtaining funds hereafter? Most assuredly the doors to which you look for loans will be locked up and double-bolted against your advances, if you enact a law, impregnated as this is now proposed to be with injustice to those who have hitherto sustained your credit by administering to your occasions. You are to forego the advantages of an approved and rational plan, you are to abandon the attempt to borrow what you stand most seriously in need of at the present moment, you are to stop payment, you are to become bankrupt, in order that new, untried, and impracticable efforts may afterwards be made to raise you from the grave. The thing is impossible; and if it were not, the experiment, at all events, is rather too critical a one. You may, I believe that you must, perish under the operation. Of how nice and delicate a texture public credit is composed, we have had demonstrations but too painful during the present session. It is the very gossamer of political elements. The perpetual sunshine of confidence is necessary to its existence. Withhold this, and it languishes. Withdraw it, and it dies. And once dead, where is the magic, where the power that can revive it? Let me caution gentlemen against even handling it too roughly. It is but too easily destroyed; and, whatever may be said in speculations here, depend upon it, sir, that there is no skill in either surgery or quackery that can call it back again to an animation once suspended.

Such however, so imminent, so full of dissolution and decay, are the very foundations on which this new superstructure is to be built up. Let us now look a little further into its details. And here, at the very inside of the threshold, I am again struck with a general imperfection. Why not come at once to the rejected resolutions of my honest friend from Georgia? (Mr. HALL.) What use is there in such a mass of banking machinery to give circulation to some millions of Treasury notes? Why not issue them at once, without this unwieldy, this unnecessary medium? Do you surround them with it in order to pass them off with less embarrassment, supposing that the public will occupy themselves in examining the mill without scrutinizing the material? If you do, disappointment will be the consequence; for those moneyed men whom you hitherto have looked to for support, though now you seem ready to

discard them, are not to be so easily prevailed upon. They are a sharp-sighted animal, who will pierce through your projects at a glance, however you may wrap and fold them up from common observation.

Again: If Treasury notes are to constitute the universal succedaneum, and you intend to deprive the Government of authority to prohibit the issue of specie even under peculiar circumstances and for short periods, what occasion have you for any specie capital at all? Do you imagine, sir, that your five or six millions will be suffered to remain quietly in circulation, going in and out of the vaults of this bank, without any guard whatever against its fraudulent evasion? I am quite mistaken if the whole sum would not migrate to Halifax within a fortnight after its deposit. I cannot pretend to speak with precision as to the amount of specie, now in retirement, belonging to the different banks of Philadelphia, and individuals who have secured portions of it in safe places, but I should imagine that it must be considerable, perhaps some millions. How long is it supposed it would continue in fair circulation if the banks were to pay it out for notes? It would infallibly and almost instantaneously disappear. I confess that I have my doubts as to the propriety of affording Government any number of the directors of the bank. But I cannot conceive a mode for dispensing with the inhibition by law of specie issues in certain cases, without referring this authority for its exercise to the directors themselves, who must endanger the charter by its enforcement. It is, therefore, best in other hands. But, after all, sir, it was in behalf of the public creditors that I was mainly induced to address you. It was to bespeak your indulgence; to appeal to your faith; to indicate your policy, as regards the stockholders of the late loans, that I have ventured to rise on this occasion. In order to understand and appreciate their relation to the Government, let us inquire how it came about. It is not two years since, when I first came to this House, I felt it my duty to assert their pretensions against attack from the other side. And now already, much sooner, I confess, than I expected, I am called upon to defend them from attacks on this side. Blessed encouragement this, to be sure, for those who may be disposed to lend their money to the public. And, pray, what are the circumstances that justify these aggressions? You first went into the market for a loan of eleven millions at six per cent., of which you obtained but about six.

I was about to show that your loan market was exhausted by a loan of six or seven millions, at the hundred for a hundred. Your next bargain was for sixteen millions at eighty-eight for the hundred. Afterwards, seven millions and a half at the same rate. And, finally, that portion of the twenty-five millions which has been negotiated at eighty, and perhaps less, for the hundred. And what inducements did you hold forth to those who advanced these sums? Of

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course the faith of Government for the punctual payment of the interest, and faithful redemption of the principal at the expiration of the stipulated term. But was this all? Was there no accessory, no additional inducement, besides the plighted faith of the nation? This House must well remember that there was. It cannot be forgotten that the Secretary of the Treasury was selected as one of the Commissioners to repair to Europe to treat for peace; and it is perfectly well known that both he and his colleague, at the time that some of these loans were under contract, were sanguine in their calculations on the prosperous result of their mission. Indeed, since we have become acquainted with their instructions, it cannot be matter of surprise that they should have entertained such a confidence. The fact, however, is, that subscribers to the loan at eighty-eight, were led to believe, and from the best authority, that their stock would enjoy all the benefits of peace, within twelve months from the time of their subscription, and that instead of merely par for the eighty-eight which they loaned, they might reasonably calculate on a rise of ten or fifteen per cent. above the one hundred which they were promised for their money. It was, moreover, made a test of patriotism in the subscribers, and hundreds contributed in part on this principle. Gentlemen talk of these persons as if they were the veriest brokers and stockjobbers in the world; and as if, too, none but brokers and stockjobbers had subscribed. But no misconception could be more unfounded. Let such as imagine that some half a dozen usurious capitalists hold all the stock in question, attend on quarter day at the door of a bank in which dividends are payable, and examine there into the characters and conditions of the crowd of anxious expectants for their income. They will find the widow and the orphan, the aged and the infirm, as well as the wealthy and the competent, waiting for their shares—some of them for small sums, payable by way of annuity, (which was authorized by the loan laws,) and the only reliance of the poor people who have invested their funds in this stock. These are the persons whom you are proposing to cast aside. They did not seek you nor press themselves into your assistance. But, on the contrary, you went in search of them, and induced them, by strong and seductive promises, to part with their money for your necessities. They did so at your earnest instances. They paid it to you when they could have had gold and silver for their checks. But now, having bound them to your destiny, having exhausted their capacity to lend, you deny them (should the proposed amendment be adopted) any participation in your plans for the improvement of their funds. You leave them to their fate, vainly imagining that, after such crying injustice, you can substitute another class of creditors in their places. No moneyed institution can succeed which is to be founded on principles at war with the interests of the moneyed men of

a community. You may rail at these persons if you will. But depend upon it, that to enlist their opposition to any plan for the restoration of public credit, is not the way to accomplish it.

The bank contemplated by the original bill on the table was to be laid on the liberal, the politic, and the natural endowments of public stock and specie in certain adequate proportions. That which is to be attempted, should the amendment succeed, would, for the first time in the history of such institutions, be founded on a vast basis of new paper or stock to be created, to the prejudice of those who now own the stocks and regulate the prices in the market. Of these, there are between sixty and eighty millions (including Treasury notes) in existence. Instead of withdrawing a third of this amount and appropriating it to a bank, the gentleman from South Carolina (Mr. CALHOUN) would send in forty odd millions more, in the shape of Treasury notes, more heavily than ever to choke up and overdo the market. I do not pretend to be very conversant with these matters; but I must confess that I cannot perceive how such a scheme could possibly succeed in operation.

Of all models for a moneyed institution the late Bank of the United States affords one, the most worthy of imitation. And upon what was it founded? Public stock and specie capital. What public stock? Not new stock created for the purpose; but that which was funded at twenty shillings in the pound, though a great deal of it was purchased as low as one-and-sixpence. The Secretary of the Treasury would hear of no discrimination between the creditors. He well knew that public credit was to be created, not by looking forward to new auxiliaries, and discarding old ones, but by a punctilious and faithful, an indiscriminate and universal fulfilment of all former engagements. Paying old debts is the best mode of enabling a community to contract new ones. The Bank of England, the Bank of Genoa, most of the celebrated moneyed institutions in Europe, were established on similar recognitions and adoptions of the public stocks of their respective countries. The Bank of the United States therefore followed their example. Stockholders, who were known to have purchased their stock at a great discount, were nevertheless allowed to subscribe without discrimination, though it was well ascertained that the bank stock would immediately rise after the subscription, and though it did actually rise to one hundred and forty. Now, in all views of this subject, the late Bank of the United States affords a precedent to be consulted with the utmost consideration, and one not to be departed from without very sufficient causes. Broken up, as that institution has been, and subjected to the severest tests of investigation, the wisdom, fidelity, and punctuality of its transactions have been manifested in the strongest light; and I think it would be hazarding not a little to disregard them.

The gentlemen from South Carolina, both the honorable mover of this amendment, (Mr. CALHOUN,) and his colleague who supports him, (Mr. LOWNDES,) deny that the creation of a new stock for the bank capital, would be either an injury or any injustice to the present stockholders. I understand that the stock was at eighty-one the day before yesterday in Baltimore, and looking up, in anticipation of its incorporation into the bank. No doubt it will fall again as soon as this proposition for excluding it goes abroad. What more infallible thermometer can we have of the effect of such a measure on the stock? There are between sixty and eighty millions of it in circulation. You propose to issue fifteen millions of Treasury notes for purchasing up such of it as is to be subscribed to the bank. The inevitable consequence must be, first, a competition, a most unfair one, in the market, and then a depreciation of the stock. He who subscribed at eighty has twenty per cent. advantage over the more meritorious subscriber at one hundred or at eighty-eight, and no alternative is left for the latter, but to sacrifice his stock at fifty or sixty, in order to reimburse himself by the profits of a subscription to the bank, or to hold his stock depreciated to one-half of what he gave for it. I am not disposed to repeat the epithets that were bestowed on such dealings by my friend and colleague, (Mr. INGHAM,) but really I must say that I should consider them most reprehensible proceedings. There is, too, a difference of from fifteen or twenty per cent. in the prices of stock at different places, at Baltimore and Boston for instance, and the scandalous speculations to be authorized would therefore carry with them this additional aggravation. In fact, there is no stock market in this country; and, whenever the purchases in question are to be made, the holders of stock in different places must abide the effects of the variation in the prices accumulated on the other hardships of their case.

But why, we are asked, are these stockholders to be preferred? Why is an individual holding certificates of this stock to enjoy the advantages of a subscription to the Bank of the United States, in preference to any individual who does not happen to hold such certificates? The answer is, that they are not preferred any more than the few possessors of specie. Any person may buy the stock who chooses it, and thus become capacitated to subscribe it to the bank. There is no deficiency of it for sale in the market. We have taken care of that. And but too numerous, unfortunately, are they who are anxious to get rid of it.

As to taking it at the rate at which Government received their money, could any thing be more unjust? The public faith was pledged to redeem eighty-eight with a hundred. The stockholders are consequently entitled, in the first place, to have one hundred for their eighty-eight; and then most assuredly they have a right, in common with all other subscribers, to all the profits to accrue, above par, on their

subscription to the bank. In this they are not preferred to other subscribers; though perhaps it might be shown, without any great difficulty, that they are entitled to at least a highly favorable attention from the Government. We have got all their money. We took it when it was convertible into gold and silver. And it would be neither generous nor just now to postpone them to other members of the community.

These arguments, however, are controverted by the gentlemen from South Carolina, both of whom deny that Government is bound to admit these stockholders into the bank, as well as that any injury will be done to them by the exclusion. But what facts have they advanced to sustain their theory? The rise and fall of the stock is, as I have shown, a very clear criterion of the state of the stockholders' interests; and really I cannot help saying, that when so much experience and fact is to be overthrown by a speculation, we should have something more than even the most respectable opinions in its favor. One of those gentlemen (Mr. CALHOUN) insists that no depreciation can be the consequence of his scheme, and the other (Mr. LOWNDES) expressed his conviction that the proposed amendment is preferable to the original bill. These honorable gentlemen know, I am well persuaded, of the attention and pleasure with which I always listen to whatever falls from either of them. But I must be pardoned for withholding my consent to this conclusion of theirs, which really is only asserted, not proved, by the one, with, if I may so express it, his most respectable colleague's endorsement on the draft.

Mr. Chairman, we are debating this interesting subject under very peculiar circumstances. It is now two months since Congress has been in session, convened by the President under the pressure of great and weighty considerations. Since we assembled a most alarming temper has appeared in very decided indications among some of the Eastern States; and it is said to be intended, by the agitation of the Hartford Convention, to proceed deliberately to the disintegration of New England from the Union. For my part I cannot believe it. I cannot impute such designs to a people whose forecast, and orderly and general attachment to regular Government, have been so much vaunted, and perhaps, not without reason. But what encouragement, if such be their object, are we not holding out to them? And what a rebuke the Hartford Convention may, in all probability, impose upon Congress! The fifteenth of December is advertised as the day of their meeting, scarcely more than three weeks from the moment when I address you—after having been two months in session, under every impulse to action and concert, without having yet achieved any one important act—without, in fact, being now as likely to agree as we were six weeks ago—still amusing ourselves with discordant projects and visionary speculations. The Hartford Convention will find disunion

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ready made to their occasions. Instead of taking steps to separate themselves from the other States, to delay or to defeat our measures, they will have, I fear, but too much opportunity for declaring that their convention was rendered indispensable by our procrastination and idle controversy; that they met to save, not to destroy; not to deny the authority of Congress and prevent its proceedings, but to provide for our omissions; to raise an army to repel invasion; to create a navy; to establish adequate taxes and a circulating medium; to uphold the staggering credit of the country. We are disputing about details, while the nation is agonized with the pangs of dissolution. We must come to action, and that speedily, too, or the agony will be over. I hope, therefore, Mr. Chairman, that the amendment will be rejected, and that we shall endeavor to make some harmonious progress with the original bill on the table.

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Mr. CALHOUN, of South Carolina, remarked, that he looked upon the decision of the House, yesterday, as indicating a disposition on the part of the House to change the whole nature of the bill, now before a Committee of the Whole, for incorporating the subscribers to the Bank of the United States of America. As many amendments in detail would be required, he thought the most proper way to act on the bill would be to recommend it, for amendment, to a select committee.

This motion was opposed by Mr. WRIGHT, of Maryland, and Mr. LOWMYER, of South Carolina, on the ground that there were parts of the plan of the gentleman, against which the House might decide, and which could as well be acted on in Committee of the Whole as by a select committee.

Mr. CALHOUN then withdrew his motion, reserving the right to offer it again, when further progress should have been made in the discussion of the bill.

On motion of Mr. FISK, of New York, the House again resolved itself into a Committee of the Whole on the said bill.

Mr. FORSYTH, of Georgia, moved an amendment to the second section of the bill, (as it has been amended,) the object of which was, to admit the forty-four millions of the capital to be paid in Treasury notes, as it now stands, or in public stock created since the war.

This motion was declared by the Chairman to be out of order, inasmuch as the Committee of the Whole had yesterday decided that no part of the payments of the subscriptions to the bank should be made in the manner proposed by the amendments.

Mr. FORSYTH was, in this decision, disposed for the present to waive his motion; but an appeal was taken by Mr. FISK, of New York, from the decision of the Chair on this point; which

decision was affirmed by the Committee of the Whole, 75 to 39.

The House then proceeded to the consideration of the third section of the bill, which contemplates the subscription by the United States of twenty millions in six per cent. stock to the capital of the bank.

This section Mr. CALHOUN moved to strike out of the bill.

Mr. FORSYTH, of Georgia, said he hoped the section would not be struck out. He considered it important that the United States should hold a certain proportion of the stock of the bank, because he believed the privilege of so doing would be valuable to the Government. In the stock of the old Bank of the United States the Government had held a considerable portion of the stock, and the benefit derived from it had not been denied. It had been a matter of boast on the other side of the House, and the Republican Administration had enjoyed the advantages arising to the Government from it. He could not conceive any solid objection to this course. It might be said the bank would be injuriously affected by the shares the United States would hold in it, because they would subscribe nothing but stock. But, Mr. F. said, if the basis of the bank was to be public stock, its value would not be destroyed by a part of it being owned by the United States as well as by individuals. He hoped the motion would not prevail.

Mr. CALHOUN said the principle of his motion had been decided by the amendment which had been made to the second section. Consistency required that the House, after deciding as they did yesterday, should now strike out this section.

Mr. WRIGHT said he did not consider the decision of yesterday as at all interfering with this motion. If it did, he felt himself to be committed contrary to his intention. The discussion on yesterday had not turned on this point; and, he contended, even had the House inadvertently decided the principle yesterday, the decision to retain this section would control the provision in the said second section, inasmuch as in law posterior control prior provisions. The Government ought, he contended, to have a share in the stock and in the direction of the bank. The old Bank of the United States would yet have been in operation, he said, if a portion of the direction had been under the control of the Government, to have prevented it from being a perfect inquisition. He instanced the advantages which several of the States derive from holding a share in the stock and a direction of banks within their respective limits. Seven-eighths of the capital of the bank had, he said, been held by foreigners; and every man who had any hand in the direction of its concerns was adverse to the politics of this Administration. Some of them were refugees from the country, who ought to have been hung during the Revolution. It could not, therefore, be expected that Congress would revive that institution or create any other, the whole weight of

which would have been thrown in the opposite scale to that of the United States. Mr. W. was desirous not only that the United States but that the agricultural interest of the country should hold a due proportion in the stock of this bank, to keep it out of the exclusive control of the commercial class, which he intimated was generally in the British interest, and not a few actually connected in business with British houses. The landed and manufacturing interest, he argued, ought to be at least equally interested in the bank with the commercial. It was necessary the Government should hold both stock and direction in the bank, to guard the United States against the operation of any foreign influence, &c.

Mr. CALHOUN, finding, as he said, from the course of the debate, that the eyes of the committee had been so entirely directed to the main object of the amendment adopted yesterday, that they had overlooked the part of it to which this section had reference, rose to explain the reasons of his present motion. Whether the provision now under consideration should be struck out or retained, he contended, depended on the situation of the nation. He was clearly of opinion, that, in the present situation of the nation, it ought to be struck out. One great object of this bank was to afford the means of relieving the nation from difficulties under which it now labored. By striking out this section, the Government would not, he said, lose the advantages it would derive from retaining it, inasmuch as the twenty millions, instead of being vested by the United States in stock, would assume the shape of Treasury notes, and in reality produce the effect, by their absorption in the bank, of an immediate loan to the Government. Which, he asked, does the United States now most want, a capital or the use of a capital? He said he should be glad, indeed, abstractedly, that the United States should possess a share in the capital of the bank; he should be glad the United States should possess a capital in the bank on which they could draw one, two, or three per cent. more interest than they had to pay for it. But we want still more the use of the capital. If any gentleman could conceive the situation of the country to be such that we could lock up instead of using these twenty millions of capital, he would vote against this amendment. The capital, he said, would not be lost to the United States, but would assume for them the most active and most efficient form, by means of the Treasury notes, which, being put into circulation and absorbed by the Government, would effect an immediate loan to the Government. But, it had been said, unless the United States held some share in the bank, it would fall into the hands of our enemies. Mr. C. said he did not think so harshly as the gentleman from Maryland of the commercial interest; in the large, he believed, that great interest to be American, notwithstanding some exceptions might be found to that character.

But even if such a disposition as was feared by the gentleman should exist, it would not be controlled by retaining the present provisions of the bill, because the twenty directors could always vote down the five proposed to be appointed by the Executive, if there should arise a contest between the Government and the bank. But there was another means of protecting the Government against the bank, more potent and certain than any such provisions; let the United States retain the power over its deposits, and over the receipt of the bank notes in payment of duties and debts to the Government, and it would possess a sufficient control over the bank.

Mr. FOSYTH admitted an immediate loan would be an advantage to the Government; but was such a loan wanted, to the proposed amount, in addition to the taxes to be raised by the bills now before the House? He contended that it probably would not. But, if it would, he argued that part of the project was impracticable, because of the difficulty of throwing into market forty-four millions of dollars of Treasury notes; whereas, if twenty millions of that amount were subscribed in stock in behalf of the United States, the balance of twenty-four millions would be all disposed of, and would probably be sufficient for all the purposes of the Government. Even for the benefit of the gentleman's plan, therefore, this feature ought to be retained.

Mr. CALHOUN said, that if fifteen millions of the forty-four millions of Treasury notes were applied, as he had suggested, to the purchase of stock, and five millions to the redemption of Treasury notes falling due at the commencement of the next year, there would be no difficulty in disposing of the remainder of them. He said, to invest twenty millions in the capital stock of the bank would be acting like a man without a dollar in his pocket offering to lend out money at an interest lower than he has to pay for it for his use. If the demands of the Treasury during the next year did not require the whole of these notes, Mr. C. said, a part could be retained until the year after, and thus provision be made for two years. If the subscriptions were received monthly, in twelve instalments, there would never be out at one time more than two millions, much less than the amount of Treasury notes now in circulation. There would be no doubt, he thought, of their being sought for with avidity.

Mr. INGHAM, of Pennsylvania, said that, if the whole amount of Treasury notes now proposed to be issued should not be wanted in the course of the next year, it would unquestionably be more to the interest of the Government to invest twenty millions of the amount in stock in the bank, provided it would be an advantage to them to possess that stock. Allowing the stock of the bank to advance as it might be expected to do, it would afford a profit to the United States, in twelve months, of six millions of dol-

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lars; and the United States would, besides, dispose of the capital stock at its full value whenever they chose.

Mr. FORSYTH still questioned the ability to circulate so large an amount of Treasury notes; because they were not like bank paper, which could at any time command specie; nor would they circulate even as well as the present Treasury notes, because not payable at the end of the year, but to be funded in six per cent. stock. The fact that money is not to be paid for the proposed issue of Treasury notes, would be as well known to the people of the United States as this House. The circulation of Treasury notes at present was principally among those who have money on hand for which they have not immediate use, which they invest in Treasury notes in preference to this public stock; because, at the same time that they produce an interest, they are payable at a day certain. The Treasury notes to be issued will not suit such persons, and will therefore probably have a very limited circulation.

Mr. KILBOURN said he had voted for the amendment yesterday, without any idea that the other amendments indicated by its mover would necessarily follow. He hoped the section now under consideration would not be struck out. For, though he had ever believed the establishment of a National Bank one of the most important objects, yet, if this motion prevailed, he should greatly deprecate it. Was it true, he asked, that this nation was so embarrassed in its finances, was in such a critical situation, that to obtain money for a year it was necessary to establish a colossal institution, with a charter which it would be beyond the power of this Government to alter for twenty years; that might, in one year, if amended as proposed, fall entirely under the direction of the enemies of the Government? He trusted not. If, on the other hand, this stock was taken by the Government in the bank, it might be sold at any moment, if necessary, at twenty per cent. profit, or at least without a sacrifice, and thus furnish the United States with as much money as it would sell for.

Mr. LOWNDES supported the motion to strike out this section. The reservation of twenty millions for the United States, of the capital of the bank, would, he said, unquestionably be attended with some advantages. It could not be denied that it would, by the strength of this capital, or by selling it at an advance, afford the means of obtaining money for the service of the Government in the year 1816. But the course proposed by gentlemen was to lessen the security of the loan for 1815, in order, with remarkable foresight, to provide the ways and means for the year 1816. Mr. L. said he differed from his colleague as to the application of fifteen millions of Treasury notes to the purchase of public debt, and five millions for the redemption of Treasury notes. The object of Mr. L. was nothing more than this—to induce the House to reduce the capital of the bank from its present proposed

amount. It almost necessarily followed, from the main points of his colleague's plan, that the capital should be reduced. It was impossible every Treasury note thrown out should be absorbed in the bank at the times of subscription; and the amount to be issued must therefore, of necessity, exceed the amount to be paid in as a part of the capital stock of the bank. It was important, in giving additional value to the Treasury notes, that the bank stock should be made as valuable as it could. The success of the plan for immediately aiding Government by the means proposed, must depend on the value of the Treasury notes, which must depend on the value of the shares in the bank. The less valuable the shares in the bank, as they would be by the retention of so large a capital stock, the less temptation would there be to purchase the notes or stock, which is the basis of the subscription. Mr. L. said he hoped, before this subject was finally acted on, the committee would limit to thirty or thirty-five millions, to some moderate, some reasonable amount, the circulation of the bank, and thus guard against danger of the plan from the amount of capital, at the same time that it would increase the value of the Treasury notes. The plan of the gentleman before him, (Mr. FORSYTH,) he thought it obvious, provided for the demands of the public service in 1816, by rendering utterly hazardous, if not entirely defeating, the provision for 1815. He denied that the Treasury notes to be issued in pursuance of this plan would be less valuable than those now in circulation. It was impossible, he said, in the nature of things; but, in furnishing additional modes of application of them, the committee would increase instead of diminishing the value of Treasury notes, &c.

After a few words from Mr. RHEA, of Tennessee, indicative of an impatience for the question, the committee agreed to Mr. CALHOUN's motion by the following vote: For the motion 79, against it 53. So the third section was struck out.

The committee then proceeded in further examination and amendment of the details of the bill; in the course of which considerable debate took place, involving generally the minor principles of the art or science of banking. Among the amendments agreed to were the following, viz: To strike out so much as gives the Government a share in the direction of the bank; so much as prohibits the bank from selling the United States stock, which may come into its possession; so much as binds the bank to loan thirty millions to the Government, &c.

A motion was made by Mr. LEWIS, of Virginia, and supported by Mr. PEARSON, to amend that part of the section authorizing the bank to establish offices of discount, deposit, and distribution, so as to require the bank, whenever the Government may direct it, to establish an office of discount and deposit at the city of Washington, with a capital (not less than five millions of dollars). After striking out the latter clause within parentheses, the motion was negatived.

When the committee rose for to-day, an amendment was under discussion affecting the manner in which the bank shall pay specie for its notes, whether at all its offices, or at the Mother Bank only. Immediately on the committee's rising, the House adjourned.

SATURDAY, November 19.

Petition of Renner and Heath.

Mr. YANCEY, of North Carolina, from the committee of Claims, made an unfavorable report on the petition of Renner & Heath, of the city of Washington. The report is as follows:

That the petitioners were owners of ropewalks in the city of Washington, in which were contained a large quantity of spun yarns and navy cordage, all of which was destroyed by the enemy in his late incursion into this city. On or about the 20th of July last, one of the petitioners, Mr. Heath, applied to Mr. Southerlan, the owner of some long boats then lying in the Potomac, and engaged of him five of them to transport his cordage and yarns up the river, if the enemy should invade the city. On the 18th or 19th of August, it was deemed expedient, by General Winder, to impress the boats of Mr. Southerlan, for the purpose of transporting the troops across the Potomac, which were kept in the employment of the Government until after the invasion of the city. On the 20th of August the petitioners applied for the boats, according to contract, for the purpose of removing their property, when they were informed that they were impressed. It also appears to the committee, that on the 22d of August the petitioners employed a wagon and nine or ten carts, for the purpose of removing the property, but the wagon and two or three of the carts were impressed by the officers of the departments, to remove the public papers and property; and that seven of the carts employed, after taking loads from the ropewalks out of the city, refused to return to haul any more for the petitioners, apprehending, if they did, they would be impressed into the employment of the Government. It is also stated, and believed, that, after that day, and before the enemy entered the city, carriages were not to be had in the city to remove the property. The loss of the petitioners, exclusive of the price of the ropewalks, is estimated at about thirty-four thousand eight hundred dollars; they ask of Congress to be reimbursed to the amount of their loss.

The committee are of opinion the Government is under no obligation to pay for the property. The destruction of private property by the enemy, in the progress of the war, is much to be regretted and highly deprecated; but when it does happen, it is to be considered, between the Government and its citizens, as one of the calamities of war. It may be presumed, that the circumstance of the boats, wagon, and carts being impressed by the Government to perform services valuable to it, may create some equitable considerations in favor of the petitioners. It is, however, believed by the committee, not to be sufficient to authorize them to allow the claim; they, therefore, recommend to the House the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

Mr. FARROW, of South Carolina, for the reason that he thought the principles of the report questionable, and involving a case of great hard-

ship against the petitioners, moved that the report should lie on the table.

The motion to lay the report on the table was negatived; and the yeas and nays thereon having been required by Mr. HANSON, of Maryland, the question on the adoption of the report was decided in the affirmative. For the report 80, against it 43.

MONDAY, November 21.

Tax on Carriages.

Mr. EPPES, of Virginia, from the Committee of Ways and Means, reported a bill to provide additional revenue for defraying the expenses of the Government and maintaining public credit, by laying duties on carriages for the conveyance of persons, and the harness thereof; which was twice read, and committed.

Public Buildings.

Mr. LEWIS, of Virginia, from the committee on the subject, made the following report:

The committee to whom was referred a resolution directing them to inquire into the expediency of rebuilding or repairing the public buildings, &c., report that, among the first steps deemed necessary in discharge of the duties assigned them, they caused the Superintendent of the City to lay before them the reports of several architects and mechanics of reputed skill and character, who had, at his request, examined the remains of the public buildings, all of whom reported, as their opinion, that the walls generally had not been materially damaged, and were not rendered unsafe or insufficient to rebuild on, conformably either to the former plan, or to some variations suggested, or such as may be adopted as improvements in the rebuilding.

These reports were accompanied by estimates of various amounts, forming an average of \$458,000. The whole first cost of these buildings appears to have been \$1,215,110 10.

With the view of better understanding the grounds, and probable accuracy of the reports and estimates, the committee attended personally at the Capitol, and examined the state of that building, where, after a conference, and making such inquiries of an architect on the spot, as were considered proper, they were induced to believe that the walls of both wings of the Capitol may be safely built on, and that the estimated expense of about \$250,000 for repairing the same, was as nearly accurate, and as much to be relied on, as could be reasonably expected, or as circumstances either admitted or required.

With the foregoing information, the committee proceeded to a due and general consideration of the subject-matter referred to them, and readily came to the decision, that it was expedient, either to repair the late buildings, or to build others in their stead on different sites; but as it appeared that the latter could not be effected without incurring a great additional expense, so much greater, as the committee conceived, than would be counterbalanced by any "public interest or convenience" to be derived from a "change of sites," they were of opinion that it would be inexpedient to make such a change. Connected with this part of the duty prescribed by the committee, it may not be improper that they should state to the House the representations of sundry in-

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dividuals, who allege, and offer to prove, that the designation of the present sites by President WASHINGTON, who possessed full power, having been always considered by him as part of the permanent plan of the city, they purchased at very advanced prices, and improved lots, on the faith of those designations, near those sites, the supposed permanency whereof has ever since sustained the value of all adjacent and contiguous property; but that, if those sites were now to be altered without some equivalent public establishment being made thereon, they apprehended that this property would become comparatively valueless during the lifetime of the present holders at least. The committee, however, desire it to be understood that other views and considerations having induced their decision on this member of the resolution, under which their inquiries were directed, they did not enter into the discussion of, or give any opinion of the force or validity of these considerations.

From the suggestions of the architects consulted, and also from the observations of the committee, they are of opinion that parts of the walls, arches, and columns, of the late buildings, are in a state requiring a small expense for workmanship and materials, to preserve them from injury by the weather, and from falling down, thereby endangering the vaulting which supports some of the floors, and which at present is very little, if at all, weakened by the burning; but as there is no money applicable to the payment of such expense, inconsiderable as it may be, the committee beg leave to suggest the propriety of an appropriation for that object.

The committee think it not irrelative to the object of their inquiries, though it is not specifically enjoined, to state, also, that the several banks within the District of Columbia, desirous of facilitating an object so interesting to the District, have made a formal and binding offer, in writing, to advance on loan to the Government, upon reasonable terms, the sum of five hundred thousand dollars, to be applied exclusively to the purpose of rebuilding or repairing the President's house, Capitol, and public offices.

Conformably to the foregoing statement, the committee ask leave to report a bill.

Mr. LAWIS then reported a bill, making appropriations for repairing or rebuilding the public buildings in the city of Washington. [The bill proposes to authorize the President of the United States to cause to be forthwith rebuilt or repaired the public buildings, on their present sites; and for this purpose exclusively, to borrow such sum as may be necessary for the purpose, from the banks or individuals within the District.] Twice read, and committed.

WEDNESDAY, November 23.

Remonstrance of New York Banks against the proposed National Bank.

Mr. IRVING presented the memorial of a committee appointed by five of the banks in the city of New York, to take into consideration all matters relating to the state of credit in that city, remonstrating against the proposed incorporation of the subscribers to the Bank of the United States of America; which was read, and ordered to lie on the table.

The memorial is as follows:

To the Senate and House of Representatives of the United States:

The memorial of the subscribers, committees appointed by five of the banks in the city of New York, to take into consideration all matters relating to the state of credit in the city, respectfully represents—

That your memorialists, with great deference to the wisdom of Congress, presume that it will not be considered as unbecoming in them to express their opinions on a subject which they have practically under their constant view.

That they see with great alarm the proposed incorporation of a Bank of the United States with a capital of fifty millions of dollars; not that they are insensible of the advantages of such an institution, but because they are persuaded, in their most deliberate view of the subject, that the present time is most inauspicious for the creation of such a bank, and that so far from aiding the fiscal operations of the Government, it will, in their opinion, tend to embarrass still more, than the adverse circumstances of the times have already done, all public as well as private credit.

Your memorialists firmly believe that the proposed capital will be found too large.

That six millions of dollars in specie cannot be obtained by any inducements which can be held out, and that a less sum will not afford a proper security to the public.

That, even if six millions could be procured, the payment of the notes in specie could only be continued for a short period, under the present circumstances of the country.

That if, by the exercise of the power proposed to be lodged in the President of the United States, the notes are not paid in specie, they will infallibly depreciate.

That, if they depreciate, no existing bank can possibly take them without the greatest injury to their stockholders.

That if the notes are not taken by the present banks throughout the United States, they cannot serve as a general medium of circulation.

A full discussion of this subject, your memorialists are well aware, would transgress the proper limits of this memorial; they will therefore confine themselves to a few of the reasons which have induced them to form these opinions. They think that the capital will be found too large, because the late Bank of the United States had only a capital of ten millions of dollars at the period of our greatest commercial prosperity, and, since the expiration of the charter of that bank, the amount of its capital has been much more than supplied by the incorporation of other banks. It is believed to have been the opinion of the part of the community best informed on that subject, that this amount was abundantly sufficient. Your memorialists therefore cannot but dread the effects which a new banking capital of fifty millions must have upon the paper circulation of the country, particularly when it is considered, that the proposed bank is to be pledged to lend to the Government thirty millions, which the public exigencies will probably very soon call for, without any power of refusal being left to those who are to manage the bank, even if convinced that the emission of so large a sum in notes must be ruinous to the bank itself.

It is well known that a great and constant drain of the precious metals from the United States has

existed for a long time past, while supplies of them have been cut off by the war; and that the alarms necessarily existing during a war, have induced many timid and cautious persons to hoard specie, the consequence of which has been to render a suspension of specie payments necessary to the different banks in Baltimore, Philadelphia, New York, and in various other parts of the United States. Notwithstanding the utmost care has been taken to restrain the circulation of notes within moderate bounds, yet it has been found impossible to prevent a difference in value between specie and the notes of banks in the best credit. This difference is now, in the city of New York, from twelve to fifteen per cent., and in other places still greater. Your memorialists have therefore no hesitation in giving it as their opinion that six millions of specie cannot be procured; but they are persuaded also, that, if procured, that sum could not long supply specie payments, because, as the same causes are likely still to operate, and with increased effect, when the paper circulation is so much increased as it must be by the proposed loans to the Government, it is believed that as fast as the notes are issued they will be returned for specie; as they bear no interest, there will be no inducement for any person to hold them, to counteract the great advantage offered by the high price for specie, in sending them for payment.

If it should be found necessary to restrain the bank from paying specie, your memorialists are convinced the notes will depreciate. The Treasury notes which have been issued have done so, although in much less quantity, and under more favorable circumstances, because bearing interest and being payable at definite periods. While Treasury notes have these obvious advantages, it is not perceived that the notes of the proposed bank will have any to balance them, the security having been presumed the same in both cases. The expenses of the war must, in the first instance, be paid in these notes, and of course they will be, to a considerable extent, in the hands of persons who must, of necessity, dispose of them for what they will bring. The late Bank of the United States, while redeeming its notes in specie and possessing the entire support of the Government and the confidence of the public, never had, it is believed, more than six millions of notes in circulation. The banks in the city of New York, whose aggregate capital is about fifteen millions of dollars, have not, upon an average, had a circulation of more than five millions, although possessing all the advantages to be derived from the business and support of the Government in this city. Presuming that the proportion of circulation to capital is nearly the same in other parts of the United States, and taking into view that the circulation is probably as great at the present period as, under the circumstances of the country and the removal of the check of specie payments, it can safely be, can it be doubted what the effect of an additional emission even of twenty millions of paper will necessarily be?

As it appears evident to your memorialists that the notes of the proposed bank must depreciate, it appears equally so, that no existing bank can take them without the greatest injury to their stockholders. However disposed they may be to aid the fiscal operations of the Government, yet, from the moment the notes are depreciated, if they are taken either in payment or in deposits, all their debts will be paid in that description of paper, the circulation of their

own notes will nearly cease, and they will be left in possession of notes redeemable at some future uncertain period and bearing no present interest. Can such a sacrifice of the interest of their constituents be called for or expected from the present institutions?

It has been supposed that the want of a medium of general circulation rendered a National Bank necessary; but your memorialists beg leave to observe, that while they admit the want of a medium, they are quite persuaded that bank notes will not answer the purpose, unless they can be exchanged at pleasure for specie, or taken generally by the banks throughout the United States. If your memorialists are right in the opinions already stated, it appears to follow, as a necessary consequence, that the notes of the proposed bank will not supply the place of a general medium.

As your memorialists are persuaded that the best interests of the United States require that the suspension of specie payments, which has unfortunately been found necessary, should be continued for as short a period as possible, they dread the increased difficulty which an additional paper circulation probably of thirty or forty millions will occasion; they fear it will approach to an insuperable bar to the resumption of specie payments; while, on the other hand, a National Bank, founded upon proper principles, and at a more favorable period, when there was a reasonable prospect of continuing to pay specie, would offer the best remedy for the deranged state of the circulation, and a most powerful instrument to renovate the commercial credit of the United States.

Your memorialists beg the indulgence of Congress when they add, that they have no doubt that Treasury bills, issued nearly in the way proposed by the Committee of Ways and Means of the House of Representatives, would be found of more service to the Government, be much less dangerous to the public, and tend much more to supply the want of a general medium of circulation. They believe that Treasury notes, issued for various denominations, redeemable at the pleasure of the Government, but not at any definite periods, bearing interest while in circulation at the present rate, but fundable at the opinion of the holder at a higher rate of interest, would be less liable to depreciation than the notes of a bank bearing no interest, and the security being the same. The present interest on the Treasury notes would offer an inducement to keep them, and, whenever the market was overcharged, the power to fund them at a higher rate of interest would take off the redundancy. In this way the issue of Treasury notes would probably operate, to a considerable amount, as a constant loan at a reduced rate of interest: nor should it be overlooked that the consequences of a depreciation, if it unfortunately should take place, would neither be so extensive nor so lasting as in the case of a Bank of the United States.

[Signed by the President and Cashiers of the Bank of New York, the Merchants' Bank, the Union Bank, and the Bank of America, and the New York Manufacturing Company.]

THURSDAY, November 24.
Death of the Vice President.

The Journal of yesterday's proceedings having been read—

Mr. MAOON, of North Carolina, rose and observed, that, after the melancholy event record-

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ed in the Journal just read, it could scarcely be considered proper for the Speaker to call for petitions, or for the House to proceed to the orders of the day. The nation well knows what Congress ought to feel for the loss of the Vice President of the United States. In order to exhibit that feeling in a proper manner, Mr. MAOON moved the following resolutions:

"Resolved, That, from an unfeigned respect to the late ELBRIDGE GERRY, Vice President of the United States and President of the Senate, the SPEAKER's Chair be shrouded with black during the present session; and, as a further testimony of respect for the memory of the deceased, the members of this House go into mourning, by wearing crape on the left arm for thirty days.

"Resolved, That the members of this House will attend the funeral of ELBRIDGE GERRY, late Vice President of the United States, to-day, at two o'clock."

The resolutions were unanimously adopted, and then the House adjourned.

MONDAY, November 28.

Bank of the United States.

Mr. LOWNDES, of South Carolina, from the select committee to whom was committed the bill to incorporate the subscribers to the Bank of the United States of America, reported, that the committee had had said bill under consideration, but not having been able to discover any means of uniting the conflicting opinions on the subject, had therefore directed him to report the bill without amendment. Mr. L. also laid before the House a letter obtained from the Secretary of the Treasury by the committee, on the subject of the amendments made to the bank bill.

1. I am of opinion, that considerable issues of Treasury notes, with the quality of being receivable in subscriptions to a National Bank, will have an injurious effect upon the credit of the Government; and, also, upon the prospects of a loan for 1815.

Because, it will confer, gratuitously, an advantage upon a class of new creditors, over the present creditors, of the Government, standing on a footing of at least equal merit.

Because, it will excite general dissatisfaction among the present holders of the public debt; and, generally, distrust among the capitalists, who are accustomed to advance their money to the Government.

Because, a quality of subscribing to the National Bank, attached to Treasury notes, exclusively, will tend to depreciate the value of all public debt, not possessing that quality; and whatever depreciates the value of the public debt in this way, must necessarily impair the public credit.

Because, the specie capital of the citizens of the United States, so far as it may be deemed applicable to investments in the public stocks, has already, in a great measure, been so vested; the holders of the present debt will be unable to become subscribers to the bank, (if that object should, eventually, prove desirable,) without selling their stock at a depreciated rate, in order to procure the whole amount of their subscriptions in Treasury notes; and a general depression in the value of the public debt will inevitably ensue.

Because, the very proposition of making a considerable issue of Treasury notes, even with the quality of being subscribed to a National Bank, can only be regarded as an experiment, on which it seems dangerous to rely; the Treasury notes must be purchased at par with money; a new set of creditors are to be created; it may, or it may not, be deemed an object of speculation, by the money holders, to subscribe to the bank; the result of the experiment cannot be ascertained, until it will be too late to provide a remedy, in the case of failure; while the credit of the Government will be affected by every circumstance which keeps the efficacy of its fiscal operations in suspense or doubt.

Because, the prospect of a loan, for the year 1815, without the aid of a bank, is faint and unpromising; except, perhaps, so far as the pledge of a specific tax may succeed: and then, it must be recollected, that a considerable supply of money will be required for the war, beyond the whole amount of the taxes to be levied.

Because, if the loan for the year 1815 be made to depend upon the issue of Treasury notes, subscribable to the National Bank, it will probably fail, for the reasons which have already been suggested; and, if the loan be independent of that operation, a considerable issue of Treasury notes, for the purpose of creating a bank capital, must, it is believed, deprive the Government of every chance of raising money in any other manner.

2. I am of opinion, that it will be extremely difficult, if not impracticable, to get forty-four millions of Treasury notes (forming, with six millions of specie, the capital of a National Bank) into circulation, with or without depreciation.

Because, if the subscription to the bank becomes an object of speculation, the Treasury notes will probably be purchased at the Treasury, and at the loan offices, and never pass into circulation at all.

Because, whatever portion of the Treasury notes might pass into circulation, would be speedily withdrawn, by the speculators in the subscription to the bank, after arts had been employed to depreciate their value.

Because, it is not believed, that, in the present state of the public credit, forty-four millions of Treasury notes can be sent into circulation. The only difference between the Treasury notes now issued, and dishonored, and those proposed to be issued, consists in the subscribable quality; but reasons have already been assigned for an opinion, that this difference does not afford such confidence in the experiment, as seems requisite to justify a reliance upon it, for accomplishing some of the most interesting objects of the Government.

I have the honor, &c.,

A. J. DALLAS.

WILLIAM LOWNDES, Esq.

Mr. LOWNDES then moved to amend the bill by striking out fifty and inserting thirty millions, which question was decided without debate. For the motion 77, against it 66, as follows:

YEAS.—Messrs. Alexander, Barbour, Bard, Baylies of Massachusetts, Boyd, Bradbury, Brigham, Burwell, Cannon, Cilley, Cox, Culpeper, Cutbert, Davenport, Davis of Massachusetts, Desha, Earle, Ely, Evans, Farrow, Fisk of Vermont, Gaston, Geddes, Gholson, Goodwyn, Goudin, Hale, Hanson, Hungerford, Hulbert, Irving, Johnson of Virginia, Kennedy, Kent of New York, Kershaw, King of Massachusetts, Law, Lewis, Lovett, Lowndes, Macon,

Markell, McKee, McKim, Miller, Mosely, Newton, Oakley, Pearson, Pickering, Piper, Pitkin, Pleasants, Potter, John Reed, William Reed, Rich, Robertson, Ruggles, Schureman, Seybert, Shaffey, Skinner, Stanford, Stockton, Sturges, Taggart, Thompson, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, and Winter.

NAYS.—Messrs. Alston, Anderson, Avery, Barnett, Bines, Bowen, Brown, Butler, Calhoun, Chappell, Clark, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Dana, Davis of Pennsylvania, Denoyelles, Eppes, Findlay, Fisk of New York, Forney, Franklin, Griffin, Grosvenor, Hall, Harris, Hasbrouck, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Ingersoll, Ingham, Kerr, Kilbourn, King of North Carolina, Lefferts, Lyle, McCoy, McLean, Moore, Murfree, Parker, Pickens, Rea of Pennsylvania, Rhea of Tennessee, Roane, Sage, Sevier, Sharpe, Shipard, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Urdee, Williams, Wilson of Pennsylvania, and Yancey.

So the House determined to reduce the capital of the bank to thirty millions.

Mr. HANSON, of Maryland, then moved to strike out the first section of the bill.

Mr. H. said he was not less alive to the critical and awful condition of the country, than the Secretary of the Treasury, whose letter had been just read by the Clerk. The picture he had painted of our financial affairs was not more frightful than the reality. In some features it fell short of the original. Not only had Government bills been dishonored, and the interest of the public debt remained unpaid, as stated by the Secretary of the Treasury, but facts were, within the knowledge of Mr. H., still more disreputable and degrading to the Administration. So completely empty was the Treasury, and destitute of credit, that funds could not be obtained to defray the current ordinary expenses of the different Departments. Disgraceful, humiliating as the fact was, it ought not to be concealed from the nation, and he felt it his duty to state to the House, that the Department of State was so bare of money as to be unable to pay even its stationery bill. The Government was subsisting upon the drainings of unchartered banks in the District, who felt themselves compelled to contribute their means, lest the rod, in terrorem, which was held over them, should be applied, and an act of incorporation refused. Yes, it was well known to the citizens of the District, that the Treasury was obliged to borrow pitiful sums, which it would disgrace a merchant in tolerable credit to ask for.

Mr. H. mentioned the instance of an acceptance of \$8,500, which the War Department was unable to pay, and persuaded a bank in Georgetown to pay for them. He mentioned several acceptances, which he himself had seen, for large amounts, which had been protested by the public notary. The Paymaster was unable to meet demands for paltry amounts—not even for \$30, which was a well-established fact.

He spoke also of the failure to meet the public engagements at New York and Philadelphia. He said he was apprised, several days in advance, of the explosion which happened in the latter place, and had attempted to take the floor several days past, to prepare the House for the event, but he had not been so fortunate as to catch the Speaker's eye. In short, it was difficult to conceive a situation more critical and perilous, than that of the Government at this moment, without money, without credit, and destitute of the means of defending the country.

Under such circumstances, I agree, said Mr. H., with the Secretary of the Treasury, that not a moment should be lost in exerting the constitutional power of Congress to its utmost energy, to check, or turn aside this evil current of events, which threatens to overwhelm the nation. Not a moment was to be lost in preventing, if possible, further mischief, and in repairing what was already done. But if an opinion was to be formed of the future, from the past proceedings of the House, there was little ground for hope. Congress was in the third month of its session; it had been convened under circumstances appealing to whatever of spirit and patriotism there was in the country, addressing themselves with peculiar force to the authors of our calamities—the party in power. What had been done towards discharging the interesting and sacred trust reposed in the representatives of the people—the guardians of the national honor and safety? The House was daily involved in useless wrangling debates, which from all appearance were likely to result in nothing but words, and abortive attempts at action. While the doctors are disputing, said Mr. H., about the medicines to be administered, the patient is rapidly approaching to its last breath. It cannot be said of me, sir, that I have thrown obstructions in the way of the ruling party. So far from it, I have abstained purposely from taking part in many interesting debates, in the hope that action would be substituted for words, and from an unwillingness to consume time, every moment of which I deemed precious to the country. Such is my ardent desire to economize time, as far as is consistent with intelligent legislation, that I would not now claim the attention of the House, but that my patience is exhausted. I have waited, and in vain, to see this pernicious measure consigned to the fate which evidently awaits it, and to see some other feasible plan, which the discretion and good sense of the House can sanction, introduced in its place. I can remain silent no longer. Its palpable deformity, its utter inadequacy to the ends proposed, and its destructive tendency, seem to be apparent to a large majority of the House, who are impatient to despatch it. A scheme so absurd and visionary, could have been looked for from no other quarter than that which produced it; and I am glad to see that gentlemen on the other side of the House have at last collected the courage, and manifested

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their determination to pursue what they call an *ignis fatuus* (Mr. CALHOUN) no further. An *ignis fatuus*, truly, sir, and which, like other jack-o'-lanterns, engendered in the fens of party, will play about the surface of those stagnated pools until it sinks, and is extinguished.

Sir, said Mr. H., my opposition to this gigantic, rickety, deformed project, cannot be ascribed to a sinister design to embarrass the Government, and prevent the relief necessary to be afforded, and speedily to be afforded, to its finances. I know, sir, the country cannot be defended; it will be out of the power of the Government to save it, if they are so disposed, unless the Treasury is relieved. My opposition to the bill proceeds from my extreme anxiety, to place it in the power of those who direct the Government, to defend and save the country. I will permit no man in this nation to take precedence of me, in straining every nerve, and stretching the constitution to the utmost limit of liberal interpretation, to impart the power requisite to defend the country, and maintain its rights of sovereignty and soil; but I will embark in no rash and desperate measures, which will put every thing at hazard, and entail unnumbered woes upon posterity. "Desperate situations produce desperate councils and desperate measures!" But it is in such times that men of virtue, reflection, and wisdom, are especially called on to look with dispassionate calmness on the state of affairs, and to oppose with firmness all expedients which are calculated to increase, instead of diminishing the evils to be remedied. At a period like the present, when "men are as much blinded by the extremes of misery," as, in times past, they have been intoxicated with the extreme of prosperity, the corrective of sober judgment and wholesome inquiry is more necessary to prevent irremediable mischief than to guard against probable reverses. It has been said that "great distress never has hitherto taught, and, while the world lasts, never will teach lessons of wisdom to mankind." But, if wisdom in our councils cannot be assured by past calamities, we may at least avoid a pitfall which is visible to the dullest vision.

I say again, and again, sir, my undisguised, avowed object is, to defend the country, and, if it be not too late, under Providence, to preserve it by prompt, and wise, and vigorous constitutional measures. I am not ignorant that the first and indispensable step towards defending the country, is the recovery of public credit, and the disengagement of the finances. But I do fear, without a united effort in this House and throughout this nation to restore confidence in the Treasury, every attempt to reinstate the finances will prove abortive. I entertain the opinion, formed after much reflection and a free interchange of sentiment with enlightened men, that, unless a general and generous effort is made by all parties to revive the expiring credit of the Treasury, it will continue to languish, daily to depreciate, until I would say the credit

of Jacob Barker himself, if it were not attaching more importance to him than he merits, will be high, compared with that of the Government, in the money market. Under this strong conviction, and knowing, as every man in the nation must know, that the country cannot be defended without the ways and means, and, as far as depends on me, being resolved at every hazard and extremity consistently with civil liberty and the constitution, to preserve, unimpaired, the rights and honor of the nation, I therefore shall co-operate in all measures to defend the country. This can only be done by reproducing and bracing the main sinew of war—money, public credit—without which, the nation will be delivered up, bound hand and foot, to the enemy, unless rescued by the energy of the respective State sovereignties.

In coming to the determination to grant the supplies asked for to defend the country, I maintain I am neither inconsistent with myself, faithless to my friends, nor false to my country. The highest temporal obligations, according to my moral sense, and the soundest policy, according to my judgment, approve the course I have marked out for myself. The reason is obvious why I shall abstain from a particular discussion of the points of difference between me and some of my political friends. Either being wrong, I know it is for me to wait the award of an enlightened and virtuous community, having no other palliation to offer, than that, if I have erred, it is my firm conviction I have erred on the side of the best interests of my country. We, no doubt, aim at the same goal, but choose different routes to arrive at it. I am perfectly sure that we all prefer our country to ourselves, its good to our own gratification. That my political friends, in common with me, have a single eye to the safety and lasting happiness of the nation, cannot be doubted. We are alike anxious, and resolved, if possible, though we may differ in some respects about the means to save the country. When I say country, I, of course, do not mean those fell destroyers of its rights, peace, safety, and honor, whose misdeeds have brought upon the people the suffering under which they smart, the burdens which force from them deep groans which are heard throughout the land. No man feels a more thorough sovereign contempt for the wicked authors of our afflictions than I do; and if it is said, in contributing to the relief and salvation of the country, I incidentally relieve them, I justify, by replying, even such men must be relieved in preference to certain national bankruptcy, and the overthrow of the freest form of Government known on the globe. Let the tempest-beaten vessel of State be first brought into port, I will then join gentlemen in throwing the treacherous pilot overboard. Now is not the time to put all at hazard by rash and untried acts of violence. The ship is sinking, I will give a hand to the pump. The temple is in flames, I will hand a bucket.

Mr. CALHOUN, of South Carolina, followed,

in reply to some points of Mr. HANSON's speech, and in energetic defence of the bill.

[During the speeches of these gentlemen, both of them were called to order more than once by the SPEAKER, who earnestly endeavored to prevent the introduction of personal matter into the debate.]

Mr. GROSVENOR said he laid claim to no particular knowledge of the practical rules of banking. Like other gentlemen, he had studied the works of those who have been acknowledged the great masters of the science of political economy. But as many of their dogmas upon this subject had been refuted, and most of their rules had been exposed to doubt, if not to subversion, by the experience of modern times, he could not consent to detain the House with a repetition of them, however well they might subserve his purpose, or decorate his argument. Such a repetition would be the less excusable, as it was not necessary to his purpose; for it was not his intention to discuss the question as to the practicability of establishing, at this particular crisis, any bank which could aid the Government, and furnish a circulating medium for the nation.

A single glance, said Mr. G., at the miserable condition to which our unhappy country is reduced, must convince us all, that a vigorous and an immediate effort for her relief must be made, or she will surely perish.

With the authors of this mighty wreck and ruin, I will not talk of concert or union. I know them only as the spoilers of the choicest heritage with which the Almighty Father ever blessed a people. Were they only in jeopardy, I would raise my voice only to say, "sink, go to the bottom, and God speed your passage for the salvation of our country."

No, sir, I speak only for our country; for the country of our birth, where the bones of our fathers rest in the Lord, and where, in good time, we must sleep by their side. For that country, crying for succor, almost in the agonies of dissolution, I invite the aid of her worthiest sons.

I speak for the Union; that sacred temple which our fathers modelled into proportion, and delivered to us, only as a deposit for posterity. To this Union, rudely shaken by foreign war and intestine disorder, threatened with utter destruction by the weakness and madness of those very men appointed to guard and preserve it, I would ask the watchful care of all its friends.

I speak for the constitution of our country, written and hallowed by the founders of our nation. To this constitution, soiled as it has been, by the boorish hands of ignorant politicians, deformed as it has been by the tinkering projects of sciolists, daily trampled on by the fiery zealots of party, I would, even yet, point as a *sacred thing*, and most earnestly ask, is it not worth preserving?

Sir, the constitution, the Union, the country, cannot be saved, but by immediate and power-

ful exertion. What is in truth our condition?

In the third year of a war, declared in vain defiance, and with ignorant gasconade, you at length find all your means and all your efforts inadequate even for defence. In the nature of things, this war has become entirely defensive; and happy shall we be, happy beyond all our hopes, if by any exertion we shall be able to defend from invasion the very soil where, but forty years ago, the banner of independence first floated in the breeze. So far in the nature of things is conquest beyond our power, that, in the next summer, all the means of the nation, all the bravery of the people, and all the energies of the Government, will be indispensable to preserve our cities from conflagration, our States from subjugation, our Government from dissolution.

As a first and indispensable requisite to these objects, we turn to the Treasury, and there the most appalling views are presented. We find it empty, approaching bankruptcy. All confidence in the promises of Government is gone; and public credit has become a spectre haunting the place where it once had flourished.

In this situation, any supply from any existing resource is utterly hopeless. Such in brief is the state of our finances; on the sombre picture I will not enlarge; the portrait is indeed disgusting. That it does not in any shade belie the original, I appeal to the faithful and forlorn sketch, presented in the letter of Mr. Secretary Dallas, this morning read to the House. Sir, it is folly to talk of defence, it is madness to hope the preservation of the Union, unless your credit can be revived, your finances restored, and your Treasury replenished.

The *general plan* of the Secretary of the Treasury, in my judgment, embraces the only practical measures which afford a rational prospect of either temporary or permanent relief. He has proposed to revive and sustain public credit by the only means now within our reach. We are to resort no longer to those popularity-hunting measures, those vicious expedients for revenue, which have produced the overthrow of our finances, and all but ruin to our country.

We are no longer to be satisfied with vain and fabulous statutes, with high-sounding titles, professing "the payment of the whole national debt," but proving in the end delusive and wicked. The "moral sense" of the nation—that worn-out hack of our unfledged financiers—is not again dressed up to delude the nation, and insult its creditors. The ample resources of the country, its money and its capital, are now to constitute the pledge; a pledge which, in other countries, has proved an unbending and durable pillar of public credit; and which, if promptly made, and faithfully continuing, will, in our own, prove its restorer and abiding supporter.

These are the wise and only means to revive and sustain our credit recommended by the Secretary; and, entirely unknown as he is to me,

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I will not withhold from him the praise which I think he merits for the fidelity and intrepidity with which he has performed this unpopular, but great and indispensable duty. But, so roughly has public credit been treated by the financial quacks who preceded him, so long has it been the victim of patent nostrums and cancer doctors, that it has languished almost to the grave. With the most skilful treatment, its recovery to health and vigor must be slow and protracted. By the report from the Secretary, in unison with the report from his predecessor, it is certain, that to comply with your contracts during the present quarter, you have yet unprovided a supply of thirteen millions of dollars. This must be promptly obtained, or the operations of the Treasury are arrested, and your Government is dissolved.

How is this sum to be obtained? Not by loans, in the present condition of the stock market and of your credit. You have now in the market, at least, forty millions of stock, reduced in price to seventy-five or eighty per cent. While this stock continues in the market, at this depressed value, no loan can be contracted; or, if it can, upon no better terms than the market value of this stock. The only practical remedy is to remove this stock from the market, or, by some act of yours, to raise its value, and thus to deliver the Treasury from an insuperable bar to a new loan. The general measures for the revival of credit to which I have before alluded might finally accomplish this necessary work. But it is apparent they would accomplish it too late to afford any present relief to the Treasury. Hence, in anticipation of these measures, some plan, competent to obtain the object, seems to be indispensable.

For this purpose and to accomplish this object, it is presumed, was one of the views of the Secretary in the plan of a bank, which he has projected and recommended to the House. Is the plan so entirely chimerical, as has been represented? By authorizing a subscription of this depressed stock to such a bank, you would raise its value in the market, and thus relieve the Government, in contracting a new loan, from all competition with it. You would do more; you would relieve the capitalists and banks from the heavy load which now presses them to the earth, and you would inspire them with both the disposition and the ability to aid you in another loan. In the mean time your general plan of finance for the revival of your credit would be felt in the community. And if it should answer the hopes of all; if it should revive confidence, and restore the credit of the nation, you might then proceed to contract new loans to the extent of the ability of the country. It is in this way, in my apprehension, Mr. Speaker, that the bank proposed by the Secretary, would afford the prompt relief so indispensable to the Treasury.

Mr. Speaker—another, and the prime object of a bank, is to furnish a circulating medium for the nation. We have not, we never had a

currency of gold and silver, which ever approached a sufficiency for the business of the country. Banks, incorporated by the States, have issued paper, which for twenty years has constituted the great mass of our circulating medium. By means of the National Bank, which three years ago was immolated at the shrine of party resentment, the General Government retained an indirect, though inadequate influence over this State paper. But from the period when that Bank was dissolved, this country has exhibited the monstrous absurdity of a Government "charged with the care of the integrity and prosperity of the Empire, without any direct or indirect control over its currency." What has been the consequence? These State institutions, in no way responsible to you, have so managed as to render the currency of the nation suspected and uncertain, and have thus embarrassed all your fiscal measures.

No loan can be paid you, but in this State paper. On this side of New England, as has been demonstrated by my friend from New Hampshire, (Mr. WEBSTER,) this paper has depreciated to an alarming extent. In the very inception of a loan you have the certainty of a loss to the full amount of this depreciation. From the loss of confidence in these State institutions, and from the limited circulation of the paper, you encounter almost insuperable embarrassments in its expenditure.

Paper issued from banks south of the Potomac, and west of the Alleghanies, is almost worthless north of the Delaware. The notes of Maryland and Pennsylvania produce enormous losses, and even bank bills of the North must be paid out within a day's journey of the bank which issues them, or the same consequences follow. In this situation, it must be obvious, that a national currency, equal in value throughout the country, and founded on a competent capital, is a *sine qua non* to any system of loaning, which will not produce ruin to the country.

Whether the plan of the Secretary can furnish such a currency, is certainly problematical; perhaps the case is at present without remedy. In this country it is an untried experiment. But I have no hesitation in averring, that I think it to the full as likely to attain this great and desirable object, as the novel system on your table, which has become its substitute.

I turn now, sir, to a particular examination of the bill before you. The bank to be incorporated by this bill, is modelled on the novel plan of the honorable gentleman from South Carolina, (Mr. CALHOUN;) and its objects are the same as were those, intended by that, for which it has become a substitute. Indeed, with the exception of the right of the Government to subscribe, which is stricken from this bill, the bank will present the same proportions of stock and specie, a capital of the same complexion and consistency, subject to the same objections, and in its operations opposed by the same obstacles which have been supposed conclusive

against the success of the first project. The grand distinction between the two projects is this: The first plan relied on loans for the relief of Government, and was modelled for the purpose of rendering loans practicable. This plan renounces all hopes of future loans, and proposes as a succedaneum, the issuing of twenty-four millions of Treasury notes. And on these notes alone is the Government to rely for present relief, and for all its supplies during the ensuing year. These Treasury notes are intended to range awhile through the country as a currency, pass into a solid mass of six per cent. stock, settle quietly and in full credit into the vaults of a bank; and assuming there yet another shape, to flutter forth, and constitute another circulating medium. Sir, the process is captivating in theory, charming to the fancy; but, unless I am much mistaken, it is one of those splendid visions which the noble science of alchemy has often produced, to mortify the pride and disappoint the hopes of man. It has no practicable qualities, and the danger is, that while you are pursuing the unsubstantial vision, admiring its varied colors, and fanciful forms, the mighty bubble will burst, and leave you in the midst of mortification and despair.

It will be perceived, Mr. Speaker, that should these Treasury notes make their grand tour ever so brilliantly, before they arrive at the vaults of the bank they settle down into stock, just like the stock now existing, of no more value in itself, and combining no superior qualities. And therefore it was that I stated, when this bank shall have passed its periods of danger, and issue forth a full-grown bank, it will be in nowise better calculated to aid the Government or furnish a national currency, than a bank formed of the stock already existing. In this respect, the two plans are upon a level. It is to the process, to which I have above alluded, that I object, as illusory, and highly dangerous to the country. Your Treasury notes never can be kept at par; they will probably never reach the bank at all; and if they do so, it will be after they have scourged the land by a dreadful depreciation, and through the ruin of thousands who shall hold them.

Of all paper, Government bills are the most unfit for a circulating medium. I might read from the pages of the great founder of your whole financial system, arguments conclusive, to show the wide difference between a paper medium, depending upon the faith of Government alone, and that which is founded on the capital of a private bank. The former has no bounds to its issue, but the discretion which generally becomes another name for the exigencies of the Government. It is always suspected, always received with doubt and hesitation, and, therefore, always depreciates. While the latter, founded on solid capital, always protected, regulated, and restrained by the honor and integrity of the directors, fortified by the interest of the stockholders and the exist-

ence of the bank, all of which are jeopardized by an over issue, comes to the public with the strongest title to their confidence, and is generally received and circulated. The works of the lamented Hamilton are now before me; I will not detain the House, but refer them to his argument upon this interesting subject.

May I ask, said Mr. G., how these bills are ever to escape from the Treasury into circulation? Think you that capitalists will buy them of you at any thing like their par value? Will you put them forth as a currency under par; thus stamping them with the image of death before they issue from the womb? Nothing of this is practicable. No, sir, if they go forth at all, they must pass to your contractors, your commissaries, your soldiers, and your sailors—to any of your creditors who prefer your paper to your parol promise. Hence, it is possible they may pass to others, and thus obtain a partial circulation among the merchants, farmers, and mechanics.

Mr. Speaker, the capitalists of the country must convert the Treasury paper into bank stock, or it will remain unconverted. By capitalists, I mean those enterprising men who have accumulated masses of active and surplus capital, for the purpose of venturing it in great and advantageous speculations.

Have these men, at this time, the ability to perform the process? You have nothing to hope from New England. Her citizens have their money and their capital safe at home; and you will not find them idiots enough, in this tempestuous season, to venture it on the ocean, in any vessel that you can build and rig and navigate. From the capitalists south of the Hudson, and from them only must you expect aid. It is a mistake to suppose the depressed war stock to be in few hands. The original contractors retain, comparatively, but trifling portions of the whole mass. It is widely diffused among these capitalists, and, unless, by some acts of yours, its market value is elevated, it will paralyze all their efforts to afford any aid to your project.

The banks, too, are groaning under the weight of this depressed stock. They have received it in pledges and in payment. It lies useless in their vaults, and clogs even their operations. I have not a doubt of the fact, that from this cause, more than any other, they have been forced to suspend their specie payments. And, I think, nothing is hazarded in saying, that they never will resume them, until this cause shall be removed.

If, in peaceful and prosperous times, this bank might present a fair speculation, and obtain ample subscriptions; yet, can it be hoped, that prudent men would venture their fortunes in it, in these times of dismay and peril? Look around, sir. From abroad, invasion is menaced of every part of your extended coast. Our cities, the great depositories of our surplus wealth, have but feeble assurance of safety. The storms of war are beating on our country

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from every quarter of the heavens. What is our condition at home? The foul spirit of party sits like a bloated incubus upon the Cabinet, and turns all its counsels to rashness and folly. Like the fabled Gorgon, this foul fiend daily mounts this very Capitol, and scattering the snakes of discord among the people, he calls them, in tones of fury, to civil commotion and bloody violence. The constitution has received deep, perhaps mortal wounds. War, in his iron chariot, is rolling through the land, crushing, with its heavy wheels, our civil institutions, those bulwarks of civil liberty. The Government totters from untimely decrepitude. And the very temple of our Union, toppled from its base, is ready to be dashed to the earth, and to leave the country encumbered with its fragments. This country resembles the strong man filled with wine, his head full of delirious visions, and mad projects of ambition and vengeance, revolving vast projects, and deciding on prompt and vigorous exertion; but his limbs are palsied, his nerves are withered, and he lies, supine on the earth, huge, disgusting, and impotent.

To what fate we are destined is unknown to man. We have been borne along to our destruction almost with the rapidity of the lightning. And it is not for human foresight ever to conjecture whether the God of our fathers has finally forsaken us, and whether the end of our Republic is at hand. In such "crazy times," think you that men, who possess sane minds, will embark their fortunes in any vessel whose safety depends on such commanders, such pilots, and such a crew as you can furnish?

But, Mr. Speaker, suppose I am mistaken in all this. If there are men able and willing to purchase the Treasury paper and transmute it to bank stock—the very process of transmutation will be destructive to the country. Such men, if they exist at all, exist for the most part in our cities, and are closely connected by the strong band of common interest. In these moneyed operations, their interests lead them to act united and in concert. What will be their conduct in this business?

Finding your Treasury notes wholly unsupported, and beginning to descend, they will leave them to take their downward course. Nay, they will aid their descent, certain that they will remain at all times within the reach of their coin. The strong interests of these men will impel them to such a course, and they will surely pursue it. And thus the whole machinery becomes disordered by the very agents upon whom you rely to keep it in motion. Immediately, and of necessity, your paper will greatly depreciate. Will the Government, then, suffer me to repeat the question, Will the Government then stop its issues? It has no alternative—the gate must continue hoisted, and the stream must continue running.

The very period has now arrived so eloquently deprecated by an honorable friend from North Carolina, (Mr. GASTON.) Your con-

tractors are clamorous—give them "assignats."

Your sailors demand their wages—out with a new edition of Treasury notes.

Your armies clamor for arrearages. Dare you refuse them? Remember the tragedy at Newburgh—it may be attempted in your day. There are Armstrongs still alive to excite rebellion, but no WASHINGTON remains to parry its fury and save the country. A new swarm of "assignats" will be the dreadful and the only remedy.

Your paper will rapidly reach its lowest point of depression. And now it is that the remorseless speculator will begin to prowl for his prey.

The war-worn soldier, as he halts slowly and painfully from Canada, must surrender the price of his blood for half its value.

The widow and the orphan of him who in your battles has laid his bones amid the snows of the North, must sacrifice their little all for a lean subsistence. Some of you witnessed, we all have read and have wept, the fate of the ruined soldiers of the Revolution. The same picture will be now presented, only on a larger canvas, and with more tragical coloring.

I appeal to those who belong to the dominant party. Have you forgotten the history of those days when the debt of our independence was funded? Your party then, with the present Chief Magistrate at its head, professed to be the soldier's friend and champion; and the country rung with your clamors for a discrimination of the debt. So strongly did you then profess to feel for the soldier, that you were ready to violate the most solemn contracts to save him from the loss of depreciated money. What is now your conduct? You are about to adopt a system which will bring the soldiers of your present armies to the same loss and the same condition. You are not contented even with this. In this bill, you consummate the whole transaction; you not only frame the engine by which the soldier may be defrauded, but you provide an asylum to which the agents who shall defraud him may fly with their spoils, and set at defiance all human justice and power. You do not intend this crying iniquity.

No, when the crisis shall arrive, when your paper shall sink to half its nominal value, when, like voracious sharks prowling the ocean, the speculators shall range through every village, seizing the miserable victims of their cupidity, then will you step boldly forth, and cheered by the approving voice of the people, which now would thunder indignation against the measure, you would consummate your goodly work, by that unpardonable political sin, a tender law. This bill will lay the sure foundation for such a measure.

I appeal to the friends who sit around me. Are you ready to support a system which will press on to this consummation of ruin, with a step "steady as time, certain as death?"

The plan of the Secretary may be vicious.

But if that be hurtful in detail, this is the very essence of ruin in its principles. If that would injure the country, this is the very box of Pandora, from which will surely issue the most dreadful evils which ever scourged and cursed a people. Better that our Republic be struck at once from "the great firmament of nations," than that she should linger a few months of rayless existence, and then plunge into such an abyss of embarrassment and misery.

Mr. Speaker, I may be mistaken in all these forebodings of evil. If the bill shall pass, and prove beneficial, my country will owe me no thanks for the boon. But if it shall produce the evils I have anticipated, here, in the face of the nation, I wash my hands of all the consequences.

When Mr. GROSVENOR concluded—

Mr. JOHNSON, of Kentucky, assigning as a reason therefor his anxiety to expedite the public business, and proceed to the adoption of those measures which the times imperiously demand, required the previous question.

The previous question was then put in the following form, viz: "Shall the main question be now put?" and decided by yeas and nays. For the previous question 75, against it 67.

The requisite number having required the main question to be put, it was put on the engrossing the bill for a third reading; and was decided in the negative. For the motion 49, against it 104, as follows:

YEAS.—Messrs. Alexander, Alston, Barnett, Binea, Bradley, Caldwell, Calhoun, Cannon, Chappell, Clark, Condict, Crawford, Creighton, Crouch, Culpeper, Cuthbert, Duvall, Earle, Findlay, Forney, Gaston, Gourdin, Griffin, Harris, Hasbrouck, Irving, Kent of Maryland, Kerr, Kerahaw, Kilbourn, King of North Carolina, Lowndes, McKee, McLean, Montgomery, Oakley, Pearson, Pickens, Rea of Pennsylvania, Rich, Robertson, Sevier, Sharp, Skinner, Smith of Virginia, Taylor, Ward of New Jersey, Winter, and Yancey.

NAYS.—Messrs. Anderson, Avery, Barbour, Bard, Baylies of Massachusetts, Bayly of Virginia, Bigelow, Bowen, Boyd, Bradbury, Brigham, Brown, Burwell, Cilley, Clopton, Comstock, Conard, Cooper, Cox, Dana, Davenport, Davis of Massachusetts, Davis of Pennsylvania, Denoyelles, Desha, Ely, Eppes, Evans, Farrow, Fisk of Vermont, Fisk of New York, Forsyth, Franklin, Geddes, Gholson, Goodwyn, Grosvenor, Hale, Hanson, Hawes, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford, Hulbert, Ingersoll, Ingham, Irwin, Jackson of Rhode Island, Johnson of Virginia, Johnson of Kentucky, Kennedy, Kent of New York, King of Massachusetts, Law, Lefferts, Lewis, Lovett, Lyle, Macon, Markell, McCoy, McKim, Miller, Moore, Mosely, Murfree, Nelson, Newton, Parker, Pickering, Piper, Pitkin, Pleasants, Potter, John Reed, William Reed, Rhea of Tennessee, Roane, Ruggles, Sage, Schureman, Seybert, Sheffey, Shipard, Smith of Pennsylvania, Stanford, Stockton, Strong, Sturges, Taggart, Tannehill, Telfair, Thompson, Udree, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Williams, Wilson of Massachusetts, and Wilson of Pennsylvania.

So the House decided that the bill should not be read a third time—in other words, that it should be rejected.

TUESDAY, November 29.

A new member, to wit, from Pennsylvania, SAMUEL HENDERSON, appeared, produced his credentials, was qualified, and took his seat in the place of Jonathan Roberts, appointed a Senator.

Capture of Washington City.

Mr. JOHNSON, of Kentucky, from the committee appointed to inquire into the causes of the success of the enemy, in his invasion into this District in August last, delivered in a report of very great length, together with a voluminous mass of documents. This report (principally of a narrative character) Mr. J. moved to be printed, together with the following documents, selected from the mass laid before the committee, as tending to give an impartial view of the whole transaction:

1. A report of the Army, its number and distribution, previous to the 1st of July, 1814.
2. Letter of Colonel Monroe, then Secretary of State.
3. Letter of General Armstrong, late Secretary of War.
4. Letter from the Hon. William Jones, Secretary of the Navy.
5. Letters from the Hon. Richard Rush, Attorney General.
6. Communication from the War Department, including the orders in relation to the 10th military district, the requisition of the 4th July, and the correspondence with the Governors of Pennsylvania, Virginia, and Maryland, and with General Winder.
7. The narrative of General Winder.
8. Reports of Generals Stansbury, Smith, Young, Douglass, and Hungerford; Colonels Sterrett, Minor, Tayloe, Laval, and Beall; Major Pinkney; and Captains Burch and Caldwell.
9. Report from the Navy Department, including the official report of Commodore Barney.
10. Letters from General Van Ness, Doctor Catlett, and John Law.
11. Reports from the Ordnance Department.
12. Sentence of the court martial in relation to Captain Dyson, and the correspondence between him and the Secretary of War.
13. Report from the corporation of Alexandria, including the capitulation, and letter from General John Mason.
14. Report from the Superintendent of Public Buildings.
15. Letter from William Simmons.

Mr. GROSVENOR, of New York, observing the great volume of the report and documents, objected to the printing of these papers, lest the length of time it would occupy should delay a consideration of the report.

Mr. WEBSTER, of New Hampshire, (a member of the Committee of Investigation,) hoped the papers would be printed. He dissented altogether from the manner in which that report had been prepared, though he was willing to do justice to the assiduity of the chairman of the committee in maturing the report. As soon as the documents should be properly in the possession of the House, Mr. W. said he should think it his duty to make some motion

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on the subject. The report itself had indeed been a product of great labor—it was a sort of chronicle—but, in his view, it answered no one purpose for which the committee who made it had been appointed. So far from clearing up the causes of the failure of our arms at this place, he thought it was calculated (though not intended) to cover up in a mass of prolixity and detail what he considered a most disgraceful transaction.

Mr. GROSVEHOR withdrew his opposition to the printing of these papers.

Mr. JOHNSON said the House would form its judgment of the manner in which the committee had discharged their duty, from the documents collected by it and presented to the House, and from the statements of facts, and the conclusions which they had drawn therefrom. The committee had deemed it their duty—and that duty they performed without favor or affection—to speak freely upon all subjects arising from the transaction, the development of which had been committed to them, except on the solitary question of military conduct. They had collected all the facts that had come to their knowledge in relation to the military movements, and had thought proper to leave for the decision of those equally qualified with themselves to judge what better might have been done. If the committee had erred in any of their opinions, those opinions were subject to the will of the House. In relation to the mere military question, whenever the proper opportunity presented itself, he was not disposed to withhold either censure or praise, when it should appear to him to be due. He would venture to say, whatever difference of opinion might arise on those points on which the committee had not expressed an opinion, on those on which it *had* expressed an opinion, its views would receive the sanction, not only of the House, but of the whole world. In relation to himself, Mr. J. said he claimed no other merit than having toiled with the rest of the committee in making up an opinion on the subject, &c.

Mr. WEBSTER said he should be sorry to be supposed to have found fault with the manner of execution of the principle adopted by the committee. He complained that the committee had not thought proper to express any decided opinion on the transactions submitted to their investigation. Although the fact was announced that the enemy had landed within fifty miles of this place, and that twelve hundred men of their army had overthrown all the force collected here with two months' notice, no opinion was expressed of these circumstances. Neither would it be seen in the report that the burning of the Navy Yard was justifiable, or whether it was not an act of infatuation.

[Here the SPEAKER interrupted Mr. W., and called his attention to the question.]

Mr. W. said he objected to the report, because it expressed no opinion, and served in no degree to lead the public sentiment in respect to this disaster, and it was therefore that he

proposed to question its correctness, &c. He heartily concurred in the motion for printing the report.*

* *Extract from the Report.*

On the 18th of August, General Van Ness ordered General Young to call out, *en masse*, the brigade under his command, including the Alexandria militia; the same day, two troops of cavalry, attached to the brigade, were ordered to rendezvous at Bladensburg; on the 19th, at four o'clock in the morning, to accompany Colonel Monroe, Secretary of State, and to be subject to his order. On the 20th, in the forenoon, General Young's brigade was ordered by General Winder to cross the Potomac, opposite Alexandria, and encamp in the best position, and wait further orders, which was effected—the brigade consisting of four hundred and fifty-four men, two brass six-pounders and one brass four-pounder.

On the morning of the 24th, General Winder established his headquarters near the Eastern Branch bridge; detachments of horse were out in various directions as videttes, and reconnoitring parties, and arrangements made to destroy the Eastern Branch bridge. Colonel George Minor, with his regiment of Virginia militia, composed of six hundred infantry and one hundred cavalry, arrived at the city of Washington in the twilight of the evening of the 23d: he called on the President, who referred him to the Secretary of War for orders; the Secretary informed him that arms could not be had that night, but gave orders to report himself to Colonel Carbery early in the morning, who would furnish him with arms and ammunition, as he was charged with that duty by General Winder. From early in the morning till late in the forenoon Colonel Minor sought Colonel Carbery diligently, but he could not be found. He rode to headquarters and obtained an order from General Winder upon the arsenal for arms, &c., marched to the place with his regiment, and its care he found committed to a young man, whose caution in giving out arms, &c., very much delayed the arming and supplying this regiment. An instance is here given; when the flints were counted out by the officers of the regiment, to expedite business at this crisis, the young man would count them over before they could be obtained. Colonel Carbery arrived at this moment, apologized for his absence, and informed Col. Minor that he had the evening previous ridden out to his country seat. Colonel Minor was again delayed some small length of time, in having to remain to sign receipts, &c. His men were ordered to Capitol Hill.

There is a bridge over the Eastern Branch at Bladensburg, and a large turnpike road leading direct to the city of Washington. About four hundred yards from this bridge, some small distance to the left of the road, the Baltimore artillery, six pieces of six-pounders, occupied a temporary breastwork of earth, well calculated to command the pass over the bridge. Part of the battalion of riflemen, under Major William Pinkney, and one other company, took position on the right of the artillery, partially protected by a fence and brush; and on the left of the battery, leading to the rear of a barn, two companies, from the regiment under Colonel Shutz, and the other part of the riflemen from Baltimore. Colonel Ragan was posted in the rear of Major Pinkney, his right resting on the road: Colonel Shutz, continuing the line on the left, with a small vacancy in the centre of the two regiments; and Colonel Sterret formed the extreme left flank of the infantry. At this moment, Colonels Beall and Hood entered Bladensburg, with the Maryland militia from Annapolis, crossed the bridge, and took a position on a most commanding height, on the right of the turnpike, about three hundred yards from the road, to secure the right flank. In the mean time, (about eleven o'clock,) certain intelligence was received at headquarters, that the enemy was in full march towards Bladensburg; which induced General Winder to put in motion his whole force, except a few men and a piece of artillery left at the Eastern Branch bridge, to destroy it. The day was hot, and the road was dusty—the march was rapid to Bladensburg. The cavalry and mounted men arrived, and were placed on the left flank, and some small distance in its rear. General Winder now arrived, and told General Stansbury and Colonel Monroe that his whole force was marching for Bladensburg, and approved the dispositions which had been made of the troops; at which moment it had become impracticable, in the opinion of the officers, to make any essential change: for the two armies were now coming to the battle ground, in opposite directions; and the enemy appeared on the opposite heights at Bladensburg, about a mile distant, and halted fifteen or twenty minutes. This was about twelve o'clock. The troops from the city were disposed of as they arrived. Captain Burch, with three pieces of artillery, was stationed on the extreme left of the infantry of the first line; and a rifle company, armed with muskets, near the battery, to support it. About this time

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Moneys Receivable for Taxes.

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WEDNESDAY, November 30.

Another member, to wit, from New York, NATHANIEL HOWELL, appeared, and took his seat.

SATURDAY, December 8.

Moneys Receivable for Taxes.

Mr. EPPES, from the Committee of Ways and Means, to whom was referred a resolution of the House of Representatives, instructing them to inquire into the expediency of providing by law, that any kind of money paid by the Government to the troops in the service of the

United States, for military services, shall be receivable from the people in payment of taxes, made the following report:

That, under the general power to regulate the collection of taxes, the Secretary of the Treasury is preparing instructions to the collectors, in which a uniform rule as to the receipt of bank notes will be prescribed. The committee consider that it would be unsafe to designate, by law, the notes in which taxes shall be received, and that a due regard for the public interest requires that this subject should be regulated, at present, by instructions issued, from time to time, from the Treasury Department; which may be so framed, as to unite the safety of the revenue with the accommodation of the individual citizens. A

the Secretary of War arrived, and in a few moments after, the President and the Attorney-General, and proceeded to examine the disposition of the troops. In the mean time, as the enemy advanced into Bladensburg, the officers were forming rapidly the second line. The command of Commodore Barney came up in a trot, and formed his men on the right of the main road, in a line with the command under Colonels Beall and Hood, with a considerable vacancy, owing to the ground. The heavy artillery, Commodore Barney planted in the road; the three twelve-pounders to the right, under Captain Miller, who commanded the flotilla men and marines, as infantry, to support the artillery. Lieutenant Colonel Kramer, with a battalion of Maryland militia, was posted in the wood, in advance of the marines and Colonels Beall and Hood's command. The regiment under command of Colonel Magruder was stationed on the left of Commodore Barney, and in a line with him and Colonel Beall. The regiment under command of Colonel Brent, and Major Warring's battalion, and some other small detachments, formed the left flank of this second line, and in the rear of Major Peter's battery; and Lieutenant Colonel Scott, with the regulars, was placed in advance of Colonel Magruder, and to the left, forming a line towards Major Peter's battery, but in such a manner as not to mask it: other small detachments in various directions.

About half-past twelve o'clock, while the second line was thus forming, the enemy approached, and the battle commenced. The Baltimore artillery opened a fire and dispersed the enemy's light troops now advancing along the street of the village, who took a temporary cover behind the houses and trees, in loose order, and presented objects only occasionally for the fire of the cannon. The enemy commenced throwing his rockets, and his light troops began to concentrate near the bridge, and to press across it and the river, which was fordable above. The battalion of riflemen, under Major Pinkney, now united gallantly with the fire from the battery. For some minutes the fire was continued with considerable effect; the enemy's column was not only dispersed while in the street, but while approaching the bridge they were thrown into some confusion, and the British officers were seen exerting themselves to press the soldiers on. Having now gained the bridge, it was passed rapidly, and as the enemy crossed, flanked, formed a line, and advanced steadily on, which compelled the artillery and battalion of riflemen to give way, after which Major Pinkney was severely wounded. He exerted himself to rally his men, and succeeded, at a small distance in the rear of his first position, and united with the fifth Baltimore regiment.

It appears from reports of several officers, Stansbury, Pinkney, Law, Sterret, &c., that the command of General Stansbury was three or four hundred yards in the rear of the battery, and Major Pinkney's riflemen and some other small corps to the left of the battery; of course this small party had to fight with the whole force of the enemy until they retired; and the enemy occupied the ground they left without any considerable resistance, as the enemy marched on without halting after the bridge was passed. Captain Burch and Colonel Sterret were about the same distance, when Colonel Sterret was ordered to advance to support the first line. One of the pieces of artillery was abandoned, but spiked previously. The enemy soon took advantage of the trees of an orchard, which was occupied or held by the force which had just retreated, and kept up a galling fire on part of our line. Captain Burch's artillery, and a small detachment near it, now opened a cross fire upon the enemy. Colonel Sterret, with the fifth Baltimore regiment, was ordered to advance, and made a prompt movement, until ordered to halt, as at this moment the rockets assuming a more horizontal direction, and passing near the heads of Colonels Shutz and Ragan's regiments, the right gave way, which was followed in a few minutes by a general flight of

the two regiments, in defiance of all the exertions of General Winder, Stansbury, and other officers. Burch's artillery and the fifth regiment remained with firmness; the orchard obstructed their fire; but notwithstanding the enemy's light troops were, for a moment, driven back by them, the enemy having gained the right flank of the fifth, which exposed it, Burch's artillery and Colonel Sterret, who commanded the fifth, were ordered by General Winder to retreat, with a view of forming at a small distance in the rear; but instead of retiring in order, the fifth, like the two other regiments under General Stansbury, in a very few minutes were retreating in disorder and confusion, notwithstanding the exertions of Colonel Sterret to prevent it. From reports of various officers, exertions were made to rally the men and to bring them again to the battle, which partly succeeded in the first instance, but ultimately, and in a short time, all attempts were vain, and the forces routed; and the first line, together with the horse, were totally routed, and retreated in a road which forked in three directions; one branch led by Rock Creek Church to Tenleytown, and Montgomery Courthouse, another led to Georgetown, and a third to the city of Washington. It does not appear that any movement was made or attempted by the cavalry or horsemen, although the enemy to the left were in open and scattered order, as they pursued or pressed upon our lines, and a most fortunate moment presented itself for a charge of cavalry and horsemen.

It may be proper here to observe that General Winder states his exertions to direct the retreating line to the Capitol, with a view of rallying. This intention is corroborated by Colonel Sterret; but it appears as if this determination was not generally understood by the officers or men. Colonel Kramer, posted on the right of the road, and in advance of Commodore Barney, was next drawn from his position, after having maintained his ground with considerable injury to the enemy, and retreated upon the command of Colonels Beall and Hood, on a commanding eminence to the right. After the retreat of the militia under Colonel Kramer, from his first position, the enemy's column in the road was exposed to an animated discharge from Major Peter's artillery, which continued until they came into contact with Commodore Barney; here the enemy met the greatest resistance, and sustained the greatest loss, advancing upon our retreating line. When the enemy came in full view, and in a heavy column in the main road, Commodore Barney ordered an eighteen pounder to be opened upon them, which completely cleared the road, scattered and repulsed the enemy for a moment. In several attempts to rally and advance, the enemy was repulsed, which induced him to flank to the right of our lines in an open field. Here Captain Miller opened upon him with the three twelve-pounders, and the flotilla men, acting as infantry, with considerable effect. The enemy continued flanking to the right, and pressed upon the command of Colonels Beall and Hood, which gave way, after three or four rounds of ineffectual fire, at a considerable distance from the enemy, while Colonel Beall and other officers attempted to rally the men on this high position. The enemy very soon gained the flank and even the rear of the right of the second line. Commodore Barney, Captain Miller, and some other officers of his command being wounded, his ammunition wagons having gone off in the disorder, and that which the marines and flotilla men had being exhausted; in this situation, a retreat was ordered by Commodore Barney, who fell himself into the hands of the enemy.

The second line was not exactly connected, but posted in advantageous positions in connection with and supporting each other. The command of General Smith, including the Georgetown and city militia, still remained in order, and firm, without any part of them having given way, as well as the command of Lieutenant Colonel Scott of the regulars.

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Moneys Receivable for Taxes.

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statement of the circumstances which produced the resolution drawn up by the Representatives of Tennessee, together with a letter from the Secretary of the Treasury, accompanies this report; and the committee submit the following resolution:

Resolved, That it is inexpedient to designate, by law, the bank notes which shall be receivable in payment of taxes.

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TREASURY DEPARTMENT, Nov. 23, 1814.

SIR: I have the honor to acknowledge the receipt of your letter, dated the 21st instant, enclosing a resolution of the House of Representatives, passed the 11th instant, directing an inquiry "into the expediency of providing by law, that any kind of money which may be paid by the Government to the troops

in the service of the United States, for military services, shall be receivable in payment from the people in taxes."

In the course of an endeavor to ascertain the grounds of the resolution, I have been favored with a communication from the Representatives of Tennessee in Congress, (of which a copy is annexed,) in addition to the general information possessed in this Department; and I believe that the facts of the case are briefly these: The Secretary of War, having occasion for money to pay the militia who marched from Tennessee against the Creek Indians, obtained a loan in bank notes, for that purpose, from the Bank of Chillicothe. Some of these notes have since been offered in the payment of taxes to the collectors of the internal duties in the State of Tennessee; but, as

and some other corps. The enemy's light troops had in the mean time, advanced on the left of the road, and had gained a line parallel with Smith's command, and, in endeavoring to turn the flank, Colonel Brent was placed in a position calculated to prevent it; the enemy also advanced and came within long shot of part of Colonel Magruder's command, which opened a partial fire, but without much effect; and, at this moment, and in this situation, General Winder ordered the whole of the troops, then stationary, to retreat, which was effected with as much order as the nature of the ground and the occasion would permit; these troops, after retreating five or six hundred paces, were halted and formed, but were again ordered to retreat by General Winder. General Winder then gave orders to collect and form the troops on the heights west of the turnpike gate, about a mile and a half from the Capitol, which order was in part executed, and the forces formed by General Smith and the other officers, when Colonel George Minor came up with his regiment of Virginia volunteers, and united his forces with General Smith's command, having been detained, as before stated, in obtaining arms, ammunition, &c.; but, while in the act of forming, General Winder gave orders to retire to the Capitol, with the expectation of being united with the troops of the first line. Colonel Minor was ordered to take a certain position and disposition, and cover the retreat of all the forces by remaining until all had marched for the Capitol. The troops were again halted at the Capitol, while General Winder was in conference with Colonel Monroe and General Armstrong.

The first line and cavalry, except one troop of Colonel Lavall's, had taken a route which did not bring them to the Capitol; the most of them had proceeded north of the District of Columbia, and others dispersed and returned home, and sought refreshment in the country. The Commanding General represented the diminution of his force, the dispersion of a large portion of it, the want of discipline, the great fatigue of the troops, and believed that it would be impossible to make effectual resistance to the invasion of the city; nor did he think it would be proper to attempt to defend the Capitol, the troops being without provisions, and which would leave every other part of the city to the mercy of the enemy, and the prospect of losing his army. In this consultation, the Secretaries of State and War, it appears, concurred in their views with General Winder, and advised him to retire and rally the troops upon the heights of Georgetown; this produced an order for the whole force to retreat from Capitol Hill through Georgetown. On receiving this order, the troops evinced the deepest anguish, and that order which had been previously maintained was destroyed. General Smith in his report uses this language: "when the order for a retreat from Capitol Hill was received, the troops evinced an anguish beyond the power of language to express." The troops were halted at Tenleytown, and an attempt was made to collect them together, which only partially succeeded. Some returned home, some went in pursuit of refreshments, and those that halted gave themselves up to the uncontrolled feelings which fatigue, exhaustion, privation, and disappointment produced. The force thus collected were marched about five miles up the Potomac, and, early in the morning, Thursday, the 26th, orders were given to assemble the troops at Montgomery Courthouse. General Winder seems to have taken this position with a view to collect his forces, and to interpose for the protection of Baltimore, in case the enemy marched upon it as was anticipated by him. On the 23d, General Winder despatched an order to the commanding officer at Fort Washington to place patrols on every road leading to the garrison; and, upon the event of his being taken in the rear of the fort, to blow it up and retire across the river. On the 26th, the army at Montgomery took up the line of march about ten

o'clock towards Baltimore: General Winder proceeded on to Baltimore. On the 27th, General Smith's brigade marched to this district.

The distance from Benedict to the city of Washington, by Bladensburg, is upwards of fifty miles. The enemy was without baggage wagons or means of transportation; his troops much exhausted with fatigue; many compelled to quit the ranks, and extraordinary exertions used to keep others in motion; and, as if unable to pursue our forces, remained on the battle ground; the enemy's advance reached the city about eight o'clock in the evening, the battle having ended about two o'clock, or before. The main body of the enemy remained on the heights west of the turnpike gate.

Doctor Catlett, the superintending surgeon, who was admitted to attend upon the wounded, and who passed through the enemy's camp, and remained at Bladensburg until the city was evacuated, had the best opportunity of estimating the loss on both sides, as well as a good opportunity to ascertain the number and force of the enemy. His estimate is as follows:

Of the enemy.—On Capitol Hill, seven hundred; Turnpike Hill, two thousand; wounded at Bladensburg, three hundred; attendants, three hundred; wounded and attendants in the city of Washington, sixty; killed at Bladensburg and the city, one hundred and eighty; total force, three thousand five hundred and forty. This statement is corroborated by all the information in his power, besides his own observations. Mr. Law estimated the enemy, on its march, at five thousand; but, from the best information, his estimate would be about four thousand five hundred. Colonel Monroe, who viewed the enemy on his march, estimated the number at about six thousand. General Winder states that the best opinion at the Woodyard made the enemy from five to seven thousand. *Our forces* are variously estimated, and, indeed, from the manner of collecting them, and their dispersion, makes it difficult to ascertain the number with perfect accuracy. General Stansbury represents Colonel Ragan's regiment at five hundred and fifty; Colonel Shutz's regiment at eight hundred; Colonel Beall's and Hood's at eight hundred; Colonel Sterret's regiment at five hundred; Major Pinkney's command, including two companies of artillery, three hundred; making two thousand nine hundred and fifty-three; but General Winder estimates Colonel Beall six or seven hundred; deduct one hundred, this leaves two thousand eight hundred and fifty-three; to which add the command of General Smith, and militia that united with him at the Woodyard, Battalion Old Fields, &c., the regulars under Lieutenant Colonel Scott, Barney's command, the cavalry, &c., three thousand two hundred; making an aggregate number of six thousand and fifty-three. Besides this force, several detachments are spoken of by General Winder's officers, not known, amounting to several hundred. But as a small detachment was left at the Eastern Branch bridge, others, particularly some of the cavalry, were on detachment, reconnoitring, &c., the number of forces may be estimated at least at six thousand, including about twenty pieces of artillery, two eighteen pounders, three twelve, and the balance six pounders. Our loss on the field of battle, killed, is estimated by the superintending surgeon at ten or twelve, and the wounded, some of whom died, at about thirty. General Winder's official report estimates our loss at about thirty killed and fifty wounded.

The probable estimate of British forces on the 24th of August, total four thousand five hundred; killed at Bladensburg and in the city, one hundred and fifty; wounded at both places, three hundred. American forces, six thousand; killed, twenty, wounded forty; besides the regiment under command of Colonel Minor, six hundred infantry, and one hundred horse, which met the retreat on the west of the turnpike gate; and General Young's brigade about five hun-

the banks of Tennessee (where the money collected for taxes is required to be deposited) refuse to receive them as cash deposits, the collectors, in their turn, refuse to receive them as cash for taxes. Owing to the causes suggested in the communication to which I have already referred, and, perhaps, to other causes, perfectly consistent with the general solvency of the Bank of Chillicothe, the notes circulating in Tennessee have suffered a considerable depreciation. They have already been, it is alleged, an object of speculation; those paid by the United States to the militia cannot now be distinguished from other notes issued by the Bank of Chillicothe; and any attempt to give the former a preference, in the payment of taxes, would probably increase the arts of speculation, as well as the other inconveniences of which the citizens of Tennessee complain.

Under these circumstances the case is, obviously, one of great delicacy. The Government has passed the notes at their nominal value; but it is equally true, that the Government is bound to pay for them to the bank according to their nominal value. The Government did not contract any engagement to support the credit of the notes, nor to accept them in payment of duties at any subsequent period; and all the persons who have accepted the notes, either in payment from the Government, or by transfer from the militia, have done so voluntarily, without any pretence of reliance upon any such engagement. If, therefore, it should be deemed proper to direct, by the legislative authority, that the notes of the Bank of Chillicothe shall be received in payment for duties, the principle of the direction will be equally applicable to every other case where the Government has paid its troops or creditors in bank notes, which have afterwards suffered (from whatever cause) a depreciation in credit or circulating value. The effect of such a law, upon the public revenues, need not be particularly stated.

Considering the subject, however, as a general sub-

ject, which was ordered to remain on the banks of the Potomac, about twelve miles from the city of Washington, until the evening of the 24th, when he crossed over to Alexandria, and proceeded to Montgomery Courthouse, to join the main army.

The enemy, on the evening of the 25th, made the greatest exertions to leave the city of Washington. They had about forty indifferent looking horses, ten or twelve carts and wagons, one ox cart, one coach, and several gigs; these were sent to Bladensburg to move off the wounded: a drove of sixty or seventy cattle preceded this party. Arriving at Bladensburg, the British surgeon was ordered to select the wounded who could walk; the forty horses were mounted by those who could ride; the carts and wagons loaded, and upwards of ninety wounded left behind. About twelve o'clock at night the British army passed through Bladensburg, and parties continued until morning, and stragglers until after mid-day. The retreat of the enemy to his shipping was precipitate, and apparently under an alarm, and it is supposed, that it was known to him that our forces had marched to Montgomery Courthouse.

The Hon. Richard Rush, General Stansbury, Major William Pinkney, Dr. Catlett, and Mr. Law, all remark, that General Winder was active and zealous, encouraged the men, and exposed himself, and acted as a man of firmness during the engagement, and endeavored to rally, with other officers, the lines, as they gave way.

There seems to be a general concurrence of statement, that our forces were much fatigued and worn down with marching, counter-marching, and their strength much exhausted, during their service, by remaining under arms much of the night, as well as the day, by false alarms, and otherwise. Nor does it appear that it was generally known among the officers and men of the first line, that the forces from the city were formed behind in the second line, to meet the enemy and support them. This statement is made by General Stansbury, Major William Pinkney, and some other officers of the first line.

ject, meriting the serious attention of the Treasury Department, I am preparing instructions to the collectors, to regulate their conduct in receiving bank notes for taxes. The design of the instructions will be, to unite the security of the revenue with the accommodation of the banks, as well as of individual citizens, during the disordered condition of the circulating medium of the country; and, in making this arrangement, I shall be highly gratified to find that the views of the mover of the resolution under consideration can be accomplished.

I have the honor to be, &c.

A. J. DALLAS.

J. W. EPPES, *Chairman, &c.*

CONGRESS HALL, November, 1814.

SIR: It may be satisfactory to you to be informed of the situation of the banks in the State of Tennessee. There are two banks in that State—one at Knoxville, and the other at Nashville; both of them of unquestionable credit and solvency. No suspension has taken place of specie payments, nor do we believe any suspension will take place.

With respect to the Bank of Chillicothe, in the notes of which most of the troops in the service of the United States, from the State of Tennessee, have been paid, we can only observe, that no doubt was entertained of its solvency and ability to discharge its respective engagements, so far as we have been informed; but the notes would not circulate without considerable discount. This, we think, was produced in consequence of the course of trade being from the Southwest, Eastwardly, and Northeast, and money was not wanted at Chillicothe by the citizens of the mercantile towns in Tennessee, and not by any doubt existing of the solvency of the bank.

As these notes do not suit the commercial relations existing between the citizens of Tennessee and the Eastern States, we do not wish them to be further used in the payment of troops there.

The refusal, by the Government, to receive them again in the payment of taxes, has necessarily produced considerable irritation, and it is believed, by some of the people there, to be an intentional attempt to impose on them.

The spirit of patriotism and military ardor, now existing in as high a degree as in any part of the United States, is sinking under the injustice of this measure.

We have the honor to be, &c.

P. W. HUMPHREYS,
JOHN H. BOWER,
THOS. K. HARRIS,
N. CANNON.

The report was ordered to lie on the table.

Bank Suspensions—Embarrassments of the Treasury—Letters from Secretary Dallas to the Committee of Ways and Means.

TREASURY DEPARTMENT, Dec. 2, 1814.

In my communications to the committees of Congress, I have never been disposed to disguise the embarrassments of the Treasury. A frank and full development of existing evils will always, I hope, be best calculated to secure the attention and exertion of the public authorities; and, with legislative aid, I am still confident, that all the difficulties of a deficient revenue, a suspended circulating medium, and a depressed credit, may be speedily and completely

DECEMBER, 1814.]

Burning of the Library, Books, Papers, &c., by the British.

[H. OF R.]

overcome. My only apprehension arises from the lapse of time; as a remedy which would be effectual to-day, will, perhaps, only serve to increase the disorder to-morrow.

In answering the inquiries of your letter, permit me state: 1st. The amount of the payments which were to be made during the whole of the present quarter on account of the public debt, and the funds prepared, or applicable to meet those payments; 2d. The payments that remain to be made, and the funds that remain to meet them, for the residue of the quarter; and, 3d. General information, in relation to additional measures for meeting the public engagements.

[The letter contains detailed statements showing the ample provision made for meeting all the liabilities of the Treasury until it was deprived of its resources by the suspension of the banks, and so made to appear as a delinquent debtor when its real condition was that of a despoiled depositor.]

* TREASURY DEPARTMENT, Nov. 25, 1814.

SIR: The sudden determination of most of the banks, in which the deposits of public money were made, to refuse payment of their notes and of drafts upon them, in specie, deprived the Government of the use of its gold and silver, without any act or assent on the part of the Treasury. The equally sudden determination of the banks of each State to refuse credit and circulation to the notes issued in other States, deprived the Government, without its participation, of the only means that were possessed for transferring its funds from the places in which they lay inactive to the places in which they were wanted, for the payment of the dividends on the funded debt, and the discharge of Treasury notes. It was the inevitable result of these transactions, that the bank credits of the Government should be soon exhausted in Boston, New York, Philadelphia, &c., where the principal loan offices for the payment of the public debt were established; and that the Government should be unable to satisfy its engagements in those cities, unless the public creditors would receive drafts on banks in other States, or would subscribe the amount of their claims to a public loan, or would accept a payment in Treasury notes. It was not unreasonable, indeed, to hope that the banks, whose conduct had produced the existing embarrassment, would cheerfully afford some alleviating accommodation to the Government; but every attempt to realize that hope has hitherto failed. Even, however, if the present application should also be unsuccessful, I think I may rely on the intelligence and candor of our fellow-citizens to vindicate the Government from any reproach, for the want of good faith, or of essential resources to maintain the public credit. The events which have occurred the Government could neither avert nor control.

MONDAY, December, 12.

A new member, to wit, from Pennsylvania, AMOS SLAYMAKER, appeared, produced his credentials, and took his seat, in the place of James Whitehill, resigned; the oath to support the constitution of the United States being first administered to him..

*Burning of the Library, and of the Books and Papers of Congress by the British.**

Mr. PEARSON, of North Carolina, from the select committee, to whom was referred the letter of Patrick Magruder, respecting the destruction of the library and papers belonging to the office of the Clerk of the House of Representatives, made a report thereon, exhibiting a detailed view of the circumstances attending the loss of the library, which the committee conceive might have been preserved in whole or in part, and the vouchers for the contingent expenditures of the House of Representatives; and concluding with a resolution, that he be credited with a certain sum, ascertained to have been expended by him between the 14th January, 1814, and the day on which the Capitol

* *Correspondence in relation to the conflagration and destruction of American Towns and Villages.*

Vice Admiral Sir Alexander Cochrane to Mr. Monroe.

HIS BRITANNIC MAJESTY'S SHIP THE
TOMMART, PATUXENT RIVER,

August 18, 1814.

SIR: Having been called upon by the Governor General of the Canadas to aid him in carrying into effect measures of retaliation against the inhabitants of the United States for the wanton destruction committed by their army in Upper Canada, it has become imperiously my duty, conformably with the nature of the Governor General's application, to issue to the naval force under my command, an order to destroy and lay waste such towns and districts upon the coast as may be found assailable.

I had hoped that this contest would have terminated without my being obliged to resort to severities which are contrary to the usage of civilized warfare, and as it has been with extreme reluctance and concern that I have found myself compelled to adopt this system of devastation, I shall be equally gratified if the conduct of the Executive of the United States will authorize my staying such proceedings, by making reparation to the suffering inhabitants of Upper Canada, thereby manifesting that, if the destructive measures pursued by their army were ever sanctioned, they will no longer be permitted by the Government.

I have the honor to be, &c.

ALEX. COCHRANE,

Vice Admiral, Commander, &c.

HON. JAMES MONROE.

Mr. Monroe to Sir Alexander Cochrane, Vice Admiral, &c.
DEPARTMENT OF STATE,

September 6, 1814.

SIR: I have had the honor of receiving your letter of the 18th of August, stating that, having been called on by the Governor General of the Canadas, to aid him in carrying into effect measures of retaliation against the inhabitants of the United States for the wanton desolation committed by their army in Upper Canada, it has become your duty, conformably with the nature of the Governor General's application, to issue to the naval force under your command an order to destroy and lay waste such towns and districts upon the coast as may be found assailable.

It is seen, with the greatest surprise, that this system of devastation, which has been practised by the British forces, so manifestly contrary to the usage of civilized warfare, is placed by you on the ground of retaliation. No sooner were the United States compelled to resort to war against Great Britain, than they resolved to wage it in a manner most consonant to the principles of humanity, and to those friendly relations which it was desirable to preserve between the two nations after the restoration of peace. They perceived, however, with the deepest regret, that a spirit, alike just and humane, was neither cherished nor acted on by your Government. Such an assertion would not be hazarded if it was not supported by facts, the proof of which has, perhaps, already carried the same conviction to other nations that it has to the people of these States. Without dwelling on the deplorable cruelties committed by the savages in the British ranks, and in British pay, at the river Raisin, which, to this day, has never been disavowed or atoned for, I refer, as more immediately connected with the subject of your letter, to the wanton desolation that was committed at Havre-de-Grace and at Georgetown, early in the Spring of 1812. These villages were burnt and ravaged by the naval

was destroyed by the enemy. The report was read by Mr. P. in his place, and ordered to be printed. It is as follows:

That the committee have satisfactory evidence that the library of Congress, consisting of volumes agreeably to the catalogue herewith submitted, was destroyed by the enemy on the 24th of August last; and, also, the manuscript records, papers, and secret journals of Congress, mentioned in the communication submitted to this committee. In addition to the ascertainment of those facts, the committee have considered it their duty to form and express some opinion as to the degree of diligence and precaution exercised by the Clerk, and those in his employ, to prevent the loss which has been sustained. In doing this they have taken into consideration the threatening aspect of the enemy in the Chesapeake, the Potomac, and the Patuxent, almost uniformly from the month of June to the period of their incursion on the city of Washington, and the apprehension which prevailed on this subject, as developed by the committee appointed to inquire into the "causes of the success of the enemy in his recent enterprises against this metropolis," &c. They have also referred to the several Heads of Departments, and obtained information as to the time and manner of their removing and securing the papers and effects belonging to their offices; which information the committee herewith submit as part of their report, contained in the letters marked Nos. 1, 2, 3, and 4; from which it appears that measures, preparatory to a removal of the doc-

uments belonging to the several Departments, were taken as early as the 20th and 21st of August, and the removals of all effected by the 22d; whereas no preparatory measures were taken to secure the library and papers appertaining to the office of the House of Representatives, or any efforts made to procure the means of transportation till the afternoon of the 22d of August; after which time the committee were convinced that the means of transportation were difficult to obtain, if not impracticable.

As to the absence of the Clerk on account of indisposition, as alleged, the committee have not examined as to the particular nature and extent of that indisposition. They will only say that it was, or ought to have been, serious and alarming, to have justified his absence under the circumstances which then existed. The committee are, therefore, constrained to express the opinion, that due precaution and diligence were not exercised to prevent the destruction and loss which has been sustained.

Removal and Preservation of the Books and Papers of the Departments.

TREASURY DEPARTMENT, Nov. 5, 1814.

SIR: Upon inquiry, I find that the books and papers appertaining to the Treasury were packed up on Sunday, the 21st of August, 1814, and sent off in the afternoon of the following day.

It is also stated to me that much difficulty was not experienced in procuring carriages to transport the books and papers; and that, in fact, two wagons,

forces of Great Britain, to the ruin of their unarmed inhabitants, who saw, with astonishment, that they derived no protection to their property from the laws of war. During the same season, scenes of invasion and pillage, carried on under the same authority, were witnessed all along the waters of the Chesapeake, to an extent inflicting the most serious private distress, and under circumstances that justified the suspicion that revenge and cupidity, rather than the manly motives that should dictate the hostility of a high-minded foe, led to their perpetration. The late destruction of the houses of the Government in this city is another act which comes necessarily into view. In the wars of modern Europe, no example of the kind, even among nations the most hostile to each other, can be traced. In the course of ten years past, the capitals of the principal powers of the Continent of Europe have been conquered, and occupied alternately by the victorious armies of each other, and no instance of such wanton and unjustifiable destruction has been seen. We must go back to distant and barbarous ages to find a parallel for the acts of which I complain.

Although these acts of desolation invited, if they did not impose on the Government the necessity of retaliation, yet in no instance has it been authorized.

The burning of the village of Newark in Upper Canada, posterior to the early outrages above enumerated, was not executed on that principle. The village of Newark adjoined Fort George, and its destruction was justified by the officers who ordered it, on the ground that it became necessary in the military operations there. The act, however, was disavowed by the Government. The burning which took place at Long Point was unauthorized by the Government, and the conduct of the officer subjected to the investigation of a military tribunal. For the burning at St. David's, committed by stragglers, the officer who commanded in that quarter was dismissed, without a trial, for not preventing it.

I am commanded by the President distinctly to state, that it as little comports with any orders which have been issued to the military and naval commanders of the United States, as it does with the established and known humanity of the American nation, to pursue a system which it appears you have adopted. This Government owes it to itself, to the principles which it has ever held sacred, to disavow, as justly chargeable to it, any such wanton, cruel, and unjustifiable warfare.

Whatever unauthorized irregularities may have been committed by any of its troops, it would have been ready, acting on these principles of sacred and eternal obligation, to disavow, and, as far as might be practicable, to repair. But, in the plan of desolating warfare which your letter so explicitly makes known, and which is attempted to be excu-

ed on a plea so utterly groundless, the President perceives a spirit of deep-rooted hostility, which, without the evidence of such facts, he could not have believed existed, or would have been carried to such an extremity.

For the reparation of injuries, of whatever nature they may be, not sanctioned by the law of nations, which the military and naval force of either power may have committed against the other, this Government will always be ready to enter into reciprocal arrangements. It is presumed that your Government will neither expect nor propose any which are not reciprocal.

Should your Government adhere to a system of desolation, so contrary to the views and practice of the United States, so revolting to humanity, and repugnant to the sentiments and usages of the civilized world, whilst it will be seen with the deepest regret, it must and will be met with a determination and constancy becoming a free people contending in a just cause for their essential rights and dearest interests.

I have the honor to be, &c.

JAMES MONROE.

SIR ALEXANDER COCHRANE,

Vice Admiral, Commander, &c.

Vice Admiral Sir Alexander Cochrane to Mr. Monroe.

HIS BRITANNIC MAJESTY'S SHIP

TORNANT, IN THE CHESAPEAKE,

September 19, 1814.

SIR: I have had the honor to receive your letter of the 6th instant this morning, in reply to the one which I addressed to you from the Patuxent.

As I have no authority from my Government to enter upon any kind of discussion relative to the points contained in your letter, I have only to regret that there does not appear to be any hope that I shall be authorized to recall my general order; which has been further sanctioned by a subsequent request from Lieutenant General Sir George Prevost.

A copy of your letter will this day be forwarded by me to England, and, until I receive instructions from my Government, the measures which I have adopted must be persisted in, unless remuneration be made to the inhabitants of the Canadas for the injuries they have sustained from the outrages committed by the troops of the United States.

I have the honor to be, yours, &c.

ALEX. COCHRANE,

Vice Admiral, Commander, &c.

HON. JAMES MONROE.

DECEMBER, 1814.]

Duties on Manufactures.

[H. OF R.]

more than were eventually found necessary, were engaged by the Department.

I have the honor to be, very respectfully, sir, your most obedient servant,

A. J. DALLAS.

JOSEPH PEARSON, Esq.

WAR DEPARTMENT, Nov. 21, 1814.

SIR: I have had the honor to receive your letter of the 21st instant, inquiring at what time the papers belonging to the Department of State were removed previous to the destruction of the public buildings in this city, and whether it was practicable for the Clerk of the House of Representatives to have obtained the means of removing the library and papers belonging to that House in the Capitol of the United States within the space of three days previous to that event.

Having left this city on the Thursday preceding the 24th of August for the neighborhood of Benedict, and having entered it afterwards, momentarily only, prior to the 24th, I have no knowledge, from personal observation, of the means which might have been obtained by the Clerk of the House of Representatives, for the removal of the library and documents of that branch of the Legislature.

Apprehending, when I left the city, that the documents belonging to the Department of State would be in danger, I gave orders that they should be packed up and in readiness to be moved on notice of the approach of the enemy. It was under this order, and on the subsequent notice, which was communicated, that they were removed to a place of safety on the 22d August.

I have understood that the papers of the Department of War were likewise removed on the 22d of August.

I have the honor to be, with great respect, sir, your obedient servant,

JAMES MONROE.

Hon. JOSEPH PEARSON, *H. of Reps.*

NAVY DEPARTMENT, Nov. 5, 1814.

SIR: In compliance with the request contained in your note of yesterday, requiring "such information as to the time when the papers of this Department were packed up and removed; and, finally, my opinion as to the practicability of obtaining the means of conveyance, for three days immediately preceding the destruction of the Capitol by the enemy," I have the honor to represent that, having, on Saturday, the 20th August last, directed the Chief Clerk of this Department to prepare for the removal of the books, papers, and effects of the Navy Department, and to procure the necessary transportation, I now enclose his statement of the facts and circumstances attending the execution of my order, as conveying more correct information, in relation to the subject of your inquiry, than that which comes within my own knowledge.

I am, respectfully, sir, your obedient servant,

A. JONES.

Hon. JOSEPH PEARSON, *Chairman, &c.*

NAVY DEPARTMENT, Nov. 5, 1814.

In obedience to the instructions from the Secretary of the Navy, to prepare for the removal and safety of the public documents and archives of the Navy Department, on Saturday, the 20th day of August, 1814, and anticipating a difficulty in procuring wagons, he sanctioned the transportation by water, in boats up the Potomac River.

On Sunday three of the clerks were employed

packing up, in boxes and trunks, all the books of record, papers, library, maps, charts, plans, stationery, trophies, various valuable instruments, paintings, prints, &c., ready for removal on the next day; and in the evening of Sunday, the 21st of August, two river boats, with their crews, were engaged for the purpose at the ordinary pay and wages.

On Monday, the 22d of August, two of the city carts were engaged, and all the boxes and articles in the Navy Department, (heavy desks and furniture excepted,) were put on board a boat at the nearest wharf to the offices, and at 4 P. M. proceeded up the river as far as Georgetown.

In the forenoon of Monday, the 22d, two large wagons with drivers presented themselves at the Department for employ, and on account of the previous arrangement to transport by water, they were transferred to the Accountant of the Navy Department, who loaded them with the effects of his office.

On Tuesday, the 23d of August, the Chief Clerk, with one of the clerks of the Department, proceeded up the river Potomac, and passed through the locks and canal to a place of safety.

There was no difficulty in procuring more boats, and men enough to navigate them up the river above the falls.

BENJAMIN HOMANS, *Clerk.*

TREASURY DEPARTMENT.

General Land Office, November 5, 1814.

SIR: In the absence of the Commissioner I have the honor to reply to the questions in your letter of yesterday.

On the Sunday preceding the destruction of the public buildings, the records of this office were prepared for removal.

On Monday wagons were procured in the country, loaded in the evening, and the records removed the same night.

As to the practicability of obtaining the means of conveyance on other roads than that which I travelled I cannot form an opinion, but on that road I found no difficulty in procuring what I wanted for this office on that day. I am, very respectfully,

JOHN GARDINER, *Chief Clerk.*

Hon. J. PEARSON.

THURSDAY, December 15.

On motion of Mr. GHOLSON, the petition of Amy Dardin, presented on the 27th December, 1804, was referred to the Committee on Pensions and Revolutionary Claims.

*Duties on Manufactures.**

The House, on motion of Mr. EPPES, of Virginia, resolved itself into a Committee of the

* Nothing can give an idea of the distresses of the Government for money to carry on the war but a view of the proceedings in Congress to obtain it. Loans were at first chiefly relied upon: they soon ceased to be obtainable on possible terms. Six per centum stocks fell to a discount of 12, 16, and finally 20 per cent.; that is to say, for 100 dollars stock issued there would be received, first, 88 dollars, then 84, then 80. Treasury notes were tried: they sunk everywhere, and lowest where most needed—falling as low as 88½ per centum on the Canada frontier. Taxes, direct and indirect, universal and pervading, became the inevitable resort. Not only large objects, as houses, lands, and slaves, went upon the tax list, but minute articles of household use, and personal convenience or consumption. The tax list was ex

Whole, on the bill "to provide additional revenues for defraying the expenses of Government, by laying duties on various goods, wares, and merchandise, manufactured within the United States."

[This bill proposes to lay on all manufactures the duties specified in the following extract from the bill:]

On pig iron, per ton, one dollar.
On castings of iron, per ton, one dollar and fifty cents.
On bar iron, per ton, one dollar.
On rolled or slit iron, per ton, one dollar.
On cut nails, brads, and sprigs, made wholly or in part by machinery, per pound, one cent.

On candles of spermaceti or white wax, per pound, ten cents.

On mould candles of tallow, or of wax, or other than white, or in part of each, per pound, three cents.

On dipped candles of tallow, or of wax, other than white, or in part of each, per pound, one cent.

On hats, caps of leather or fur, bonnets, except made entirely from wool, silk, cotton, or linen, or in part from each, or which, if made from other materials, shall not exceed in value one dollar and fifty cents, eight per centum ad valorem.

On paper, five per centum ad valorem.

On playing-cards, fifty per centum ad valorem.

On saddles and bridles, six per centum ad valorem.

On boots and booties, exceeding five dollars per pair in value, five per centum ad valorem.

On beer, ale, and porter, six per centum ad valorem.

On tobacco, cigars, and snuff, twenty per centum ad valorem.

On leather, including therein all hides and skins, whether tanned, tawed, dressed, or otherwise made, on the original manufacture thereof, ten per centum ad valorem.

Mr. EPPES assigned, at some length, the reasons why the committee had, on these manufactures, departed occasionally from the instructions of the House, and generally preferred an ad valorem to a specific duty; the principal of which was, the great variety in quality and denomination of these articles, which, while it would make specific duties vexatious, would render them liable to continual evasions. All the articles proposed to be dutied, he further said, pay a much higher duty when imported, and, whilst the last section of this bill limited

haunting the catalogue of whatever was ate, drank, worn, or used by man. The only currency of the Government—what it received and what it paid out—was depreciated paper. Of gold, none had been seen for years. Silver disappeared, even for the smallest change; and the fractional parts of a dollar, down to a cent, were substituted by tickets, issued by all sorts of traders and dealers, some payable in the articles of their calling—of which the butchers and the bakers were the best. How strongly all this contrasts with the Mexican war of 1846, after the gold currency had been restored, and the independent treasury established! when a foreign war—one in a foreign country 8,000 miles distant—was carried on without additional taxes! when loans were a subject of competition, only obtained by the lender paying premium! when all the public securities remained above par! and all treasury payments made to the day in solid gold! and without the help of a national bank.

the operation of the tax to the continuance of the double duties now imposed by law, no article had been selected for taxation which it was believed the United States could not manufacture in abundance for their consumption. In the present situation of the country, conceiving it unnecessary to say any thing on the necessity of imposing additional taxes, he waived any remarks on that head.

Mr. BAYLIES, of Massachusetts, moved to strike out the following words in the above enumeration: "Cut nails, brads, and sprigs, made wholly or in part by machinery, one cent per pound."

The motion of Mr. BAYLIES was negatived—ayes only 89.

This amendment having failed—

Mr. KINE, of Massachusetts, moved to amend this clause so as to reduce the tax on nails from one cent to half a cent per pound, which he supported by a variety of observations.

The motion was opposed by Mr. FISK, of Vermont, Mr. EPPES, and Mr. KILBOURN; and supported by Mr. WM. REED; and was negatived—ayes 84.

Various modifications of this clause were proposed, one only of which succeeded, viz: to insert, "or rolled," after the word "cut."

On motion of Mr. YANCEY, of North Carolina, the word "manufactured" was added to the word "tobacco," so as to define more clearly the nature of that tax.

Mr. WHEATON, moved to amend the clause for taxing "hats," by inserting, among the exceptions, such as are made of "straw;" in support of which motion he made a number of ingenious and pertinent remarks, arising from the domestic nature of this manufacture, principally carried on by young females in the Eastern States.

Mr. WRIGHT, of Maryland, in an equally good-humored manner, objected to the motion; deeming the elegant bonnets which adorn our ladies' heads, and their perpetually changing fashions, as fit subjects of taxation.

Mr. FISK, of New York, observed, that it was far from the Financial Committee's intention to include this branch of manufacture; and the motion of Mr. WHEATON was agreed to by a great majority.

Mr. BIGELOW, of Massachusetts, supported by his colleague, (Mr. BRIGHAM), moved to strike out the tax on leather altogether. Negatived—ayes 42.

Mr. MACON, of North Carolina, moved to amend the clause relating to the tax on hats, by striking out "one dollar and fifty cents," and inserting in lieu thereof, "two dollars."—Agreed to.

Mr. WILSON, of Massachusetts, moved to amend the above extract, by striking out all the proposed taxes, except those on pig iron, castings, bar, and rolled, and slit iron, playing cards, beer, ale, and porter, and tobacco, cigars, and snuff; and to insert in lieu thereof the following:

DECEMBER, 1814.]

Tax Bills.

[H. OF R.]

On flour, fifty cents per barrel.
 On corn, five cents per bushel.
 On rye, five cents per bushel.
 On cotton, two cents per pound.
 On hemp, two cents per pound.
 On sugar, two cents per pound.
 On rice, one cent per pound.
 On tobacco, one cent per pound.
 On copper and leaden ore, and coal of mines, ten per centum ad valorem.

On steam engines, if employed in factories, fifty dollars; if employed in propelling boats, one hundred dollars; and when an exclusive privilege shall be enjoyed by the person or persons chargeable therewith, two hundred dollars.

On offices, created by authority of the United States, whose emolument, by salary or perquisites, shall annually exceed fifteen hundred dollars, and not exceed five thousand, one per centum; and on those which exceed five thousand dollars, five per centum on such excess, except those offices whose emoluments are prohibited from diminution by the constitution: *Provided*, That so much of each of the foregoing products, as shall be consumed by the owner, shall be exempted from taxation.

This motion Mr. WILSON supported by a train of reasoning on this basis: that the freeholders, who form the body of those who are represented on this floor, ought to pay a tax, if not higher, at least in some degree proportioned to the tax now proposed to be levied on the poor and industrious mechanics of the country. He made use of a number of arguments to show that the taxes he proposed were equitable in themselves, and more reasonable than those proposed by his motion to be exempted from taxation; and particularly the article of spermaceti candles, and some others, which will have an exclusively sectional operation. In this exposition he went much into detail.

The question on this motion was taken without debate, and decided in the negative—ayes only thirteen.

Mr. OAKLEY, of New York, moved to strike out the article of "dipped candles;" which motion was supported by Mr. EPPES, and decided in the affirmative by a large majority.

Mr. OAKLEY then moved to except from taxation altogether all mould candles of tallow.—Negatived by a large majority.

Mr. JOHN REED, of Massachusetts, moved to strike out "spermaceti" candles; and argued at some length in support of his motion, on the ground of the almost exclusive operation of this tax on the Island of Nantucket and town of New Bedford, &c., and therein diminished ability to pay; as, also, on the ground of its tendency to depress the whale fisheries.

The question on the motion being taken without debate, was decided in the affirmative, as follows: For the motion 54, against it 50.

Mr. BAYLIES moved to strike out five per centum, the proposed tax on paper, and insert three in lieu thereof. This motion was supported by Mr. EPPES, and decided in the affirmative.

Mr. BRADBURY, of Massachusetts, then moved

to except from the clause for taxing paper, such paper as is used for printing newspapers. He said it had ever been the policy of free Governments to encourage the diffusion of information, which this tax would have a tendency to check.

Mr. EPPES opposed this motion, not from any disposition to suppress newspapers, because he did not believe it would have this effect; but because he believed the proprietor of a newspaper who, by his business, made his four or five thousand dollars a year, was as fit a subject for taxation as the manufacturers, many of whom derived less profit from their business.

The motion was negatived by a large majority. The House proceeded in further discussion and amendment of the bill. And, about four o'clock, the committee rose and reported their proceedings to the House, and the House adjourned.

FRIDAY, December 16.

Duties on Manufactures.

The House resumed the consideration of the report of the Committee of the Whole on the bill to impose duties on certain goods, wares, and merchandise.

On concurring in the amendment to exempt spermaceti candles from the proposed tax of ten cents per pound, there were for the motion 63, against it 50.

On the question of concurring in exempting dipped candles from taxation, there were 83 votes in the affirmative.

Mr. WRIGHT, of Maryland, moved to place visiting cards in the same clause of taxation as playing cards; which motion was agreed to by the following vote: For the motion 63, against it 29.

Mr. KILBOURN, of Ohio, then moved an amendment, the object of which was to tax candles of spermaceti at the rate of three cents per pound; which motion prevailed, by the following vote: For the motion 74, against it 51.

Mr. WHEATON, of Massachusetts, moved to amend the bill by adding, after the clause for taxing cut nails, &c., the following words—"when sold." This motion was negatived.

And the bill was then ordered to be engrossed for a third reading to-morrow; and on motion, the House adjourned.

SATURDAY, December 17.

Tax Bills.

The House resumed the consideration of the report of the Committee of the Whole, on the bill to provide additional revenues for defraying the expenses of Government and maintaining the public credit, by laying duties on household furniture, on horses kept exclusively for the saddle or the carriage, and on gold and silver watches; and the amendments made to the same in Committee of the Whole were read, and concurred in by the House.

The following are the taxes included in this bill. On all household furniture, kept for use, the value of which, in any one family, with the exception of beds, bedding, kitchen furniture, and articles made in the family from domestic materials, shall exceed two hundred dollars in value, a tax to be laid according to the following scale:

If not exceeding \$400	-	-	-	\$1 00
Above \$400 and not more than \$600	-	-	-	1 50
" 600	"	"	1,000	3 00
" 1,000	"	"	1,500	6 00
" 1,500	"	"	2,000	10 00
" 2,000	"	"	3,000	17 00
" 3,000	"	"	4,000	28 00
" 4,000	"	"	6,000	45 00
" 6,000	"	"	9,000	75 00
" 9,000	-	-	-	100 00

One dollar on every horse kept exclusively for the saddle; one dollar and fifty cents for every horse kept for use in a carriage liable to be taxed; and one dollar and fifty cents for every horse kept for the use of both saddle and carriage.

Two dollars on every gold watch, and one dollar on every silver watch, kept for use.]

Several unsuccessful attempts were made to amend the bill; amongst which was one by Mr. GASTON, to strike out so much of the bill as includes the tax on household furniture; which was decided by yeas and nays—For the motion 52, against it 99.

Mr. LAW, of Connecticut, spoke as follows:

Mr. Speaker, as I have not hitherto retarded the despatch of the public business, by consuming the time of the House in debate, I trust I shall be indulged, while I make a few remarks in justification of the vote I intend to give on the bill now under consideration. This bill proposes to lay a tax on the manufacture of iron, leather, candles, paper, and other articles which are indispensably necessary for the people generally, and will be sensibly felt by the poorer classes of community. The bill grows out of the report of the Committee of Ways and Means, accepted by the House, and forms a branch of an extensive system of taxation, which will probably continue for years; and as my opposition arises from a conviction that the objects to which the money is to be applied will not warrant the levy, my remarks will go to the system generally, as well as to this particular bill.

The object is to continue the war in which we are engaged; and as an inducement to us to unite in the measures proposed, many considerations are urged. Little is of late said of the justice of the war, or the principles on which it was declared; indeed, this would be now idle, if not indecorous, inasmuch as the Administration themselves have relinquished and abandoned every principle on which the war was declared. And instead of fighting to gain, or secure any rights, the question now seems to be, how much we shall give up, to regain that peace we rashly threw away.

We are now called upon to unite in granting the means necessary to prosecute the war; because it is said its character is changed, it has now become a defensive war;—that as we are engaged in it, we must prosecute it with union, firmness, and vigor, or submit to terms which the nation ought not to brook; and that the credit of the nation will be irretrievably lost, unless speedily revived by making suitable and ample provision by taxes. And for these reasons we are required to unite, and this union is to be evidenced by our willingness to grant all the means the Administration demand in men or money. Let us, sir, examine these grounds, and calmly inquire, whether they impose any obligation, or furnish any new claim on those who, from the beginning, have been opposed to the war, among which number I have the consolation to be ranked.

That this nation is in a deplorable condition cannot be denied; but that the character of the war is changed I do deny. It is true, that the effects and operation of the war on this people have been different from what was expected or anticipated by its advocates; but not diverse from those predicted by its opposers. Instead of possessing the British provinces on the North and East in rapid succession, we daily tremble even here, and on the whole seacoast, watching the movements of the hostile fleets, which ride undisturbed in every bay and inlet bordering along the Atlantic; scarcely a spot is guarded against their encroachment; they assail us, put the country in commotion, burn, ravage, and destroy the dwellings of our citizens, and retire when they please. Still the character of the war is not changed; every thing else has changed, except the Administration and the character of the war, and this will remain the same, so long as they continue to guide and direct the affairs of this nation. Some of the causes which engendered and produced the war had been nurtured and cherished for years; nor was the act, in my opinion, so much the result of wise policy and sound judgment, as the effect of passion. Our grand object had been for years to cripple and injure Great Britain, then struggling for the liberties of the European world, as it is now proved and confessed. Hence, that long course of griping policy, which, under the pretence of regulating commerce, had been adopted in deadly succession, in unison with the views of the now fallen tyrant, and which was vainly believed would soon operate the destruction of that kingdom; the effects of which was only to impoverish ourselves, blast our prosperity, and check the vigor and enterprise of this once happy and active people; and which system was persevered in, until it brought down this nation from the proud eminence it once held, to abject poverty and ruin. Our trade was destroyed, our sailors dispersed and banished like our commerce, under the fostering care of the Government. Our stores and warehouses, which once teemed with merchandise of all climes, became vacant

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T^{he} Bills.

[H. OF R.]

and solitary; our wharves and quays were deserted, or lined with empty and mouldering hulks; the hum of business which once enlivened our cities, changed to groans of poverty; industry, which once invigorated and supported thousands, driven for want of employment to idleness and beggary. And, to cap the climax of our calamities, at last came the declaration of war, and converted thousands, who, in better times, might have been employed in productive labor, into drones, consuming the substance of the nation, in the shape of soldiers, contractors, tax-gatherers, and sharpers, in the employment of the Administration, in endless varieties.

We, sir, struck the first blow, as it were, in the dark, against the defenceless provinces of Canada; they resisted and repelled our attacks; disgrace and mortification ensued. Our Administration were disappointed; they awoke from their delirium, and behold! the author and contriver of the evils we have suffered, and are suffering, retires from the nations of the earth—his kingdom taken from him. Our enemy increased in strength, having finished his work on the Continent of Europe, is at liberty to succor his provinces, and send his ships on our coast, not in the small number of six or seven, which was once stated on this floor to be the extent he could maintain at any one time on our Atlantic frontier, but in fleets powerful and numerous; and powerful and numerous must they be to drive our gallant navy from the ocean, compel them to retire into rivers, or seek refuge under fortifications, to avoid the grasp of the enemy.

Sir, the great body of the people in this country were never heartily disposed to engage in this controversy. We perceive no national enthusiasm on the subject of the war; this appears pretty clear from the difficulty in recruiting the army, even with the artificial stimulus of great bounties and high wages, which have been held out to them. They saw nothing at the time of the declaration, different from what had existed for years; injuries they knew this country had experienced from Great Britain, but they were, and ever had been considered, as growing out of the peculiar relation the countries stood in to each other, and which required a remedy by negotiation rather than by force—an opinion now entertained by the present Administration. But the people never were disposed to contend for abstract principles, and fight for rights which required subtlety to define and sophistry to support. Many indeed believed, as they had been told, that a halcyon period would follow after a very short struggle. They acquiesced, and some justified the war—others deploring the mad career which the Administration were pursuing, and the certain ruin to which their measures would lead, strove to arrest the downward course; they were stigmatized as traitors and enemies to the country, and even threatened with confiscation and hemp, because they opposed the

war; their apprehensions are now realized, and their prediction verified.

Sir, what are our hopes by continuing the war? The Administration have had, so far as we could grant, all the means, in men and money, which their ambition and prodigality demanded; and, under the most auspicious circumstances, they have now wasted two years and a half, and what have they accomplished? Have they secured "Free Trade and Sailors' Rights," this darling national amulet? Both have been, on mature consideration, deliberately abandoned. Have they made any progress in the conquest of the Canadas? So far from progressing in this great work, that for a long time after the declaration of war no rays of that glory, which at one time seemed almost to intoxicate some gentlemen, darted in the Northern sky. And except the instances of Perry, Macdonough, and a few others, over whose heads the *Aurora Borealis* has shone resplendent, we have gained nothing; and our prospects in that quarter now are as gloomy and cheerless as the sterile regions we covet. We have lost much territory; our armies have been wasted; our money is exhausted, and our credit gone. If, after all this, we persevere in the original scheme of conquering the Canadas, thereby provoking the enemy to commit devastation and waste on the seaboard, how can it be said the character of the war is changed? It is still marked with its original hideous and deformed features.

It is urged, as a reason why we should grant money to prosecute the war, that it appears by the communications containing the instructions and correspondence with our commissioners, that the terms proposed by Great Britain are such as cannot be accepted, consistent with the honor and dignity of this nation, and therefore we ought to unite in a vigorous prosecution of the war. I am willing to admit the terms, as contained in the Message of October last, taken in the extent they seem to imply, without any modification or qualification, are such as we ought not to accept. But, I am happy to say, the correspondence contained in the Message of the first of the present month, looks much more favorable, and the aspect is much more pacific now than was at first supposed. Yet suppose the terms of peace are as hard and unreasonable as they at first appeared, it would not necessarily follow that we must unite in carrying on our offensive war against the Canadas, and thereby add tenfold to the miseries and distresses of the country. It is by no means certain that, during the time the present Administration remain in power, with their present views of territorial aggrandizement, we shall be able to obtain better terms. Great Britain is now powerful and flourishing; war is the habit of that nation; they are flushed with their recent successes, and, by commanding the trade of the world, they possess great resources—men, and munitions of war—they may continue the war

for years, without greatly impairing their strength, while we are daily wasting our vigor; being locked up within ourselves, all our resources must be derived from internal impositions. This bill is to reach the hard earnings of the mechanic; another on your table is to spread over the farming interest, with supplements adapted to the pockets of all. Further, sir, the war is at a distance from them, and conquering the provinces will not conquer that nation; but we have unwisely brought the war within our own bosom—they can retire and recruit when they please, we cannot—and a continuance of the contest will be certain destruction to us, even if we succeed in the conquest of Canada. It is also uncertain what the conditions of peace may eventually be; this may depend on our success, and, judging of the past, our future prospects are not very flattering. It may be here asked what we shall do; we are in a sad dilemma, and must prosecute the war, or submit to degrading terms. My answer is, that notwithstanding our present prospects are dark and gloomy, yet I believe it is in the power of the Administration to obtain terms, which would be for the honor and interest of both nations to accept; and I indulge this opinion for the following reasons: I believe Great Britain probably would, under a change of circumstances, negotiate with us on principles of reciprocity. I say it is probable she would, because it appears by the documents before us that our Administration, while Bonaparte was on his throne, and when it was supposed we were strong and Great Britain weak, were as haughty and arrogant in their demands as Great Britain is now, when Bonaparte is confined at Elba, and when they believe themselves strong and us weak; yet our Administration did descend from the high and lofty pretensions they once set up, to a tone of humility and condescension, which not long since would have been considered no less than a sacrifice of national pride, honor, and independence.

Sir, the only apology for this magnanimous change in the sentiments of the Administration, was a change of circumstances; this apology, I believe, would have been satisfactory to the nation, if peace had followed; and many of the most ardent friends of the war would have acquiesced, and have preferred to witness the Administration condemn their own logic, and commit "an act of folly, which could not fail to expose them to the scorn and derision of the British nation and the world," rather than continue in this mad and headlong course.

Sir, I should be doing injustice to my constituents—I should betray the trust reposed in me, were I to consent to burden them with the enormous taxes proposed to be applied to the objects intended. I know full well their feelings and opinions on this subject. They have been opposed to this ruinous war from the beginning. They had suffered much before, but more since the declaration of war. They did believe they should receive protection from the General Gov-

ernment. Under this expectation they have yielded obedience to all their lawful requisitions, and have paid their direct and internal taxes with a punctuality and promptness beyond any State in the Union, as the return will show. The amount of taxes paid by them into the Treasury the last year exceeds the whole amount of their State taxes for five years before the war. In addition to which, in consequence of your ships taking refuge in their waters, (and many of them are not without a jealousy they were ordered there by the Government to draw them into the war,) the people of that State have now for eighteen months been called into actual service, and are still obliged to maintain a large force for the defence of the State, abandoned and neglected by the General Government, and the expense thrown on the State without any reasonable prospect of remuneration. And, sir, permit me to say, while as good citizens they feel disposed to comply with all just and lawful requisitions of the General Government, they did believe, as a consideration for their obedience, you would "provide for the common defence, promote the general welfare, and secure to them and their posterity the blessings of liberty." But they have been disappointed; they perceive no regard to these sacred duties—the great objects of the constitution. You have not provided for the common defence—at least they are left to defend themselves, or fall a prey to the enemy whom you have invited to their very threshold. They perceive no evidence that you seek to promote the general welfare, and they fear if certain bills become the law of the land they shall be robbed of the blessings of liberty. Yet, under all these discouragements, they are determined, and, I trust, will defend themselves against the enemy who dare approach their shores—and as evidence of the spirit and determination of my constituents, I cannot, in justice to them, forbear here to mention the attack on the village of Stonington, the last summer.

When Sir Thomas Hardy appeared before that town with a formidable squadron, consisting of a ship-of-the-line, a frigate, a sloop of war, a bomb ship, and a bomb brig, and came to anchor within dead shot of the town, and gave but a few hours to remove the women and children, declaring in the most peremptory manner that he not only could, but would destroy the place, they refused to abandon their homes. Being freemen, and freeholders, they resisted. Federalists and Democrats rallied side by side, and with the feeble means in their power, they became strong from the justice of their cause, and, after three days' severe conflict, they repulsed the insolent invader, and drove him back to report his disgrace and discomfiture to his master. I mention this exploit because it is considered one of the most brilliant and heroic which has been achieved this war; but as it was performed in defence of that neglected State, and not in the conquest of Canada, I presume you have neither thanks nor medals to bestow on the heroes.

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Letter from the Clerk.

[H. OF R.]

Mr. LAW was replied to by Mr. EPPES and Mr. WRIGHT; and after considerable discussion of the various amendments proposed to the bill, it was ordered to a third reading.

The engrossed bill "to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying duties on various goods, wares, and merchandise, manufactured within the United States," was read a third time, and passed by the following vote:

YEAS.—Messrs. Alexander, Alston, Anderson, Archer, Avery, Barbour, Barnett, Bayly of Virginia, Binea, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Cannon, Chappell, Clark, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Cuthbert, Dana, Davis of Pennsylvania, Denoyelles, Deasha, Duvall, Eppes, Evans, Farrow, Findlay, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Hall, Harris, Hasbrouck, Hawes, Hopkins of Kentucky, Howell, Hubbard, Humphreys, Ingersoll, Ingham, Irving, Irwin, Johnson of Virginia, Johnson of Kentucky, Kennedy, Kerr, Kilbourn, King of North Carolina, Lefferts, Lyle, McCoy, McKee, McKim, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Oakley, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Sage, Sevier, Sharpe, Skinner, Smith of New York, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Udree, Ward of New Jersey, Williams, Wilson of Pennsylvania, Wright, and Yancey—102.

NAYS.—Messrs. Baylies of Massachusetts, Bigelow, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Cooper, Culpeper, Davenport, Ely, Gaston, Geddes, Grosvenor, Hale, Henderson, Jackson of Rhode Island, King of Massachusetts, Law, Lewis, Lovett, Macon, Markell, Miller, Mosely, Pearson, Pickering, Pitkin, Potter, John Reed, William Reed, Ruggles, Schureman, Sheffey, Sherwood, Shipard, Slaymaker, Stanford, Stockton, Stuart, Sturges, Taggart, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, and Winter—52.

MONDAY, December 19.

Letter from the Clerk.

The SPEAKER laid before the House a letter from Patrick Magruder, Clerk of the House, partly in explanation, and partly in refutation of the statements of the select committee appointed to take into consideration his former letter respecting the destruction of the public library, and certain papers belonging to his office, during the late incursion of the enemy; which letter was read and referred, with the said report, to a select committee. • The letter is as follows:

OFFICE HOUSE OF REPRESENTATIVES, U. S.

December 17, 1814.

SIR: The undersigned, Clerk of the House of Representatives, feels himself bound, from the respect due to the House and to himself, to state the situation in which he was previous to the destruction of his office and the Library of Congress. This is rendered indispensably necessary by the remarks contained in the report of the committee upon his accounts for disburse-

ments of the contingent money of the House of Representatives.

It must be very distinctly recollected by every member of the committee, as well as by every member of the House, that I was laboring under a severe indisposition during the whole of the Fall, and the greater part of the Winter of 1813, and that I was unable to resume the discharge of my official duties until about the first of January, 1814. After the rising of Congress I was twice violently attacked with the same complaint, which assumed a serious appearance, and threatened my life. Under these circumstances, my physicians advised me to visit the Springs, as a measure necessary to restore my health. If the House shall deem it necessary, the certificates of the physicians will be procured and laid before them.

When I left this city I can say, without the fear of contradiction, that the enemy was not in any of the rivers leading to this place, or that their force was sufficient, either in the bay or on the coast, to justify an expectation of an attack on the Seat of Government. I believe that the Heads of the Departments did not, at that time, contemplate that any movement would be made by the enemy threatening the city of Washington. Under these circumstances and facts, the Clerk of the House of Representatives most respectfully asks leave to observe, that he is free from censure, because of his going to the Springs to recover his health, which was worn down by a constant and assiduous attention to his official duties.

With respect to that part of the report of the committee, which charges the Clerk and those in his employ with not using a proper degree of vigilance and precaution for the preservation of the papers appertaining to the office of the House and of the Library of Congress, he begs the House to refer to a statement for information upon this subject written by two of his clerks, who are known to be gentlemen of respectability and truth, and laid before the House on the 22d of September, a copy of which he herewith presents, marked No. 1.

The Clerk has further to observe upon this subject, that it will appear, by the certificate of Captain Burch, herewith accompanying, marked No. 2, that two of his clerks, Mr. Hamilton and Mr. Berry, were doing duty in his company of artillery from the 19th of August until after the destruction of the Capitol; that they could not leave the camp without a furlough from the Colonel or General, which was never granted them; that it will appear, by the statement of Captain Bestor, No. 3, that Mr. Burch, another of his clerks, and upon whom he placed much reliance, was marched from the city, and continued under his command until the afternoon of the 21st of August, when he was furloughed by General Smith, as will be seen by his General Order No. 4. Mr. Burch did not get into the city until nightfall of that day. Another of his clerks, Colonel George Magruder, who was the commander of one of the regiments then in the service, marched with his regiment, and continued with it, as was his duty, until after the destruction of the Capitol. There was then only one clerk left, Mr. Frost, who had just before been appointed in the office, and he also would have been taken away with the military, if he had not been over the age prescribed by law for militia service. From these facts it results that, of the clerks in my employ, those in the company of Captain Burch had no power whatever to interfere in the saving of the office and

library from destruction; that Mr. Burch could not do any thing for their preservation until Monday, the 22d, nor could Colonel Magruder, without deserting his duties in the field.

On the 22d Mr. Burch and Mr. Frost did commence the removal of the office, not in the afternoon, as is stated in the report of the committee, but actually in the forenoon. The means of transportation were limited for three days previous, and on that day the committee have admitted it was almost impossible to procure it at all.

The evidence which the committee have procured from the Departments, of the facility which they found in removing their papers, can have no bearing on the present case, as these Departments began to pack up on the 18th or 19th of the month, and, in fact, removed before the afternoon of the 22d; and, consequently, had all their means of transportation in readiness previous to the time it became so difficult to procure it.

The Clerk begs leave further to observe, that the Heads of Departments, being in the confidence of the Government, had much better means of procuring correct information of the movements of the enemy than the clerks in his office, whose only sources of information were the common reports to be heard in the streets; and it is notorious, that the public mind was in darkness and ignorance upon the subject of the strength and movements of the enemy; that the Heads of Departments gave orders to pack up their papers, as has been observed before, some on the 19th, and one even on the 18th of the month; and that, as many, if not a majority, of their clerks were over the age of forty-five years, they were not compelled to leave the offices. This accounts for their ability to pack up their papers, and, in some cases, actually to remove them, before it was in the power of my clerks to commence the business.

The Clerk must, therefore, be permitted to say, and he says it with confidence, that those in his employ were not guilty of negligence, or inattention in the preservation of the office, unless, indeed, the committee will prove that they were not in the military service; that they remained during the whole time in the city; and that they took no part or interest in its preservation.

With respect to the Library, he asks the House to refer to the letter of Mr. Frost, marked No. 5. This gentleman acted as under-librarian; the rest of the clerks in my office had no authority or control in that department.

In regard to the contingent expenses of the House, the vouchers for which were destroyed, the undersigned begs leave to state, that the Committee of Accounts have always had the sole control of the disbursements of the funds appropriated for this object, and have sanctioned all the payments which have been made out of it. Being, from the nature of the other duties, of his office, unable to attend to this branch of the business, it was confided by the Clerk to Mr. George Magruder, his principal clerk. The amounts drawn at different times from the Treasury have always been so drawn under the direction of the Committee of Accounts, after they had received satisfactory information that the funds already drawn were expended. The Committee of Accounts have always kept a record of their accounts, as well as their chief clerk, and acted as a check upon him; the undersigned has had no further agency in the same, than to affix his signature to them when the forms

of office required it. This is not a novel practice, but is, he believes, pursued in regard to the contingent expenses of every office under the Government of any extent; the chief clerks always disbursing the contingent fund, though the principal is responsible for the same. It is not, therefore, so very extraordinary, the undersigned would respectfully suggest, that he was not able to afford to the committee of inquiry a specification of expenditures, of which all the accounts and vouchers were so unfortunately destroyed. He greatly regrets that the chief clerk had kept no duplicate book or memorandum of the accounts paid, which could supply the deficiency of that destroyed, in consequence entirely of his absence on duty in the field of battle. Could the event of that day have been foreseen six hours before it happened, those papers had probably escaped the flames.

PATRICK MAGRUDER.

HON. SPEAKER of the House.

Tax on Personal Property.

An engrossed bill to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying duties on household furniture, or horses kept exclusively for the saddle or carriage, and on gold and silver watches, was read the third time; and on the question that the same do pass! it passed in the affirmative—yeas 103, nays 46.

TUESDAY, December 20.

The bill from the Senate, "authorizing payment to the widow of ELBRIDGE GERRY, deceased, late Vice President of the United States, of such salary as would have been payable to him during the residue of the term for which he was elected, had he so long lived," was read twice and committed to a Committee of the Whole.

Direct Tax.

The House resumed the consideration of the report of the Committee of the whole House on the bill to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying a direct tax upon the United States, and providing for assessing and collecting the same; and the amendments reported by the Committee of the whole House being read, were, in part, concurred in, and in part disagreed to, by the House.

The said bill was further amended.

And a motion was made by Mr. SHARPE further to amend the said bill by striking the words "annually" out of the following clause: "That a direct tax of six millions of dollars be hereby annually laid upon the United States."

And the question being taken, it was determined in the negative—yeas 50, nays 103.

WEDNESDAY, December 21.

Direct Tax.

The House resumed the consideration of the bill for laying a direct tax of six millions of dollars upon the United States.

The bill was then ordered to be engrossed, and read the third time to-morrow.

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Bank of the United States.

[H. OF R.]

THURSDAY, December 22.

A new member, to wit, from Ohio, DAVID CLENDENIN, elected to supply the vacancy occasioned by the resignation of Rezin Beall, appeared, produced his credentials, was qualified, and took his seat.

A message from the Senate informed the House that the Senate have passed the bill "supplemental to the acts authorizing a loan for the several sums of twenty-five millions of dollars, and three millions of dollars," with an amendment; in which they ask the concurrence of this House. [The amendment was read, and concurred in by the House.

FRIDAY, December 28.

Bank of the United States.

On motion of Mr. FISK, of New York, the House resolved itself into a Committee of the Whole, on the bill from the Senate to incorporate the subscribers to the Bank of the United States of America.

The first section of the bill contains the leading principles of the bill, substantially as follows: The capital to consist of fifty millions of dollars, to be divided into a hundred thousand shares of five hundred dollars each; subscriptions for forty millions whereof to be opened on the third Monday in January next, at Boston, New York, Philadelphia, Richmond, Charleston, and Pittsburg. [The amendments proposed to this section by the Committee of Ways and Means contemplate an extension of the number of places of subscription, &c.] Before the question was stated on these amendments—

Mr. CLOXTON, of Virginia, moved to strike out the first section of the bill.

I have made this motion, Mr. Chairman, (said Mr. CLOXTON,) at this stage of the discussion, as being at the most proper time to try the general principle of the bill; because I cannot, under my present convictions, vote for this or any other bill to establish a bank, and therefore wish to state to this committee the ground of constitutional objection which I have to it. The objection is not one which admits a right to legislate on the subject proposed, but would prescribe the precise extent to which it might be exercised, and beyond which it ought not to be exercised; but it is an objection grounded on a thorough belief, the result of deliberate examination of the constitution and reflection thereon, that there does not exist in this body any manner of right to legislate on the subject at all; that no sort of authority to do so is vested in it, either by express grant, or as incidental to any express grant.

I should, indeed, have been glad if some gentleman who patronizes this scheme would have presented to us his views of the authority which he conceives the constitution has given to pass such a bill as this; that, if I had been convinced of having been heretofore in error, I might have been left free to decide upon the measure, accordingly as it should appear to be expedient or

otherwise; but, no gentleman having done so in the course of a long discussion of the bill on the same subject, which was before this body some time ago, when I was in a very low state of health, and expecting that the same silence in that respect will be observed upon this bill, I am left to presume altogether as to the ground on which the friends of the scheme rest for their authority; and, being left so to presume, I cannot conceive of any part of the constitution on which they can rely for authority, other than the concluding clause of the eighth section of the first article of the constitution, commonly called the sweeping clause, in the following words: "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers," &c. Because there is no other part of the constitution, that I know of, which can afford even a shadow of pretext for exercising such a power as is now proposed to be exercised by the bill before you. Because, upon every occasion which has heretofore occurred, when a right has been claimed to exercise a distinct power or powers, not expressly granted, for the avowed purpose of carrying into execution other powers that are so granted, that clause has been always resorted to; and, more especially, because the Secretary of the Treasury, the original parent of this scheme, in his letter to the chairman of the Committee of Ways and Means of the 17th of October last, after modestly suggesting the propriety of a change of opinion respecting the constitution, to suit the "difference of times and circumstances," wound up his recommendation of the scheme with a declaration of his "opinion, that in these times it will not only be useful in promoting the general welfare, but that it is necessary and proper for carrying into execution some of the most important powers constitutionally vested in the Government;" thus using the most operative words of that clause, the words "necessary and proper for carrying into execution," &c., and evidently thereby inviting the attention of the members of this body to the clause, as being of singular importance in guiding their deliberations on the subject.

It would seem, sir, nevertheless, that even in the mind of the Secretary himself, there existed at least some doubt whether a power to establish the proposed bank is itself constitutionally vested in Congress; for he does not say that it is, but only that in his opinion "the establishment of a National Bank is necessary and proper for carrying into execution" some powers that are constitutionally vested in the Government, as if he intended to confine the actual constitutional investiture to powers expressly granted. If he did intend so to confine it, he was thus far correct; for no power whatever is constitutionally vested in this body that is not expressly granted to it.

Let the opinion of the Secretary on this point be what it may, his letter will not, cannot, induce me to participate in the exercise of a power which, I verily believe, is not in any manner

whatever vested in this body. Even if the measure proposed should seem ever so expedient, which, however, is far from appearing to me to be the case with respect to the proposed institution; but, on the contrary, should it be established, I fear it may ultimately turn out to be a dangerous, a very dangerous political machine to this country, even if some temporary advantages should be derived from it; if some of the difficulties under which the Government is said to labor should, for the present, be obviated—difficulties, I am constrained to say, which might have been prevented by timely provisions, by other means not in any way conflicting with the constitution—which might have precluded that great necessity, as it is represented to be, and now spoken of by some gentlemen, as in their opinion so imperiously calling for such an institution as the one proposed. But, sir, I am not prepared, nor am I willing, to admit that the Government is in such a desperate situation as to render the proposed bank necessary for its relief or accommodation, even if the right to establish the institution was unquestionable. I deny that such necessity does exist. On this occasion, therefore, as on others, I take the liberty to decide according to the dictates of my own judgment. If in this instance I judge upon mere visionary speculation in respect to the constitution, let the observations I am about to offer to the committee determine.

In tracing the features of the Federal Constitution, Mr. Chairman, I have always found that they present themselves to my mind as being rooted in one great fundamental principle, which is, that all the powers at the command of this Government are those only which are delegated to it. This principle is expressly recognized by an amendment to the constitution, adopted at a very early period after the constitution was carried into operation. The term “delegated,” as used in that amendment, I consider to be a peculiar phrase of special, distinct, definite meaning, and, when applied to any particular power, not fairly susceptible of implication or involution of any distinct power, other than the power to which it is immediately and directly applied. In other words, sir, I understand the term to mean that the powers “delegated,” are those only which are specifically designated by express grants. The delegation of the powers of this Government comprehends, then, no more than what are distinctly expressed in the delegation or series of positive grants.

A sort of powers, however, has been much and often spoken of, the true nature and extent of which, perhaps, have not been always distinctly and clearly understood—if, indeed, the existence of any powers at all under that denomination ought to be admitted. I allude to what are called incidental powers. The broadest latitudinarians, in relation to the powers of this body, have never, that I know of, extended their notions of its powers farther than to these two species—the powers strictly denominated “delegated” powers, or powers “expressly

granted,” and what they call “incidental” powers. This notion of incidental powers is deduced altogether from the same concluding clause of the 8th section of the first article of the constitution as being “necessary and proper” for carrying into execution the express powers specified in the preceding clauses of that section; and very much, if not the whole, of the diversity of opinion which has prevailed in relation to the powers constitutionally vested in Congress, has proceeded, perhaps, from the difference between the construction given to that clause by some, and the construction given to it by others.

According to my understanding of the word “incidental,” I take it to be an adjective not only in point of grammar strictly, but that, if it can properly be applied to any power at all, it can be applied only to a power which is itself but the adjective or adjunct of another power to which it belongs, and has no existence separate from that power. In my opinion, then, what is commonly called incidental powers are not real, distinct powers, but rather modes of exercising the express powers to which they belong or are incident. Whence, sir, I consider myself perfectly justifiable in the declaration that the clause in the constitution which has been mentioned, and by which alone it is generally thought the exercise of those supposed incidental powers is authorized, does not embrace any distinct substantive power at all. The power now proposed to be exercised in passing the bill before you, I consider to be a distinct substantive power, as clearly as any power can be, and therefore not embraced in that clause. It is not expressly granted, as must be admitted by everybody; whence it is evident to my mind, that it is not in any manner whatever vested in this body, and therefore cannot be constitutionally exercised by this body.

Firmly, then, as the Secretary of the Treasury or other advocates of this bill may conceive the doctrine they entertain in favor of it, to be supported by the clause in the constitution which has been mentioned, I must beg leave to differ from them entirely in opinion. I consider it affording no solid, no substantial support at all to such a doctrine; and never in my opinion was an appellation more improperly bestowed upon any thing than the appellation which has been bestowed upon that clause. On account, then, of the very extensive latitude of construction given to the clause, ascribing to it abundantly more force than it actually possesses, I have been inclined to think that it might have been better, perhaps, if the clause had never been inserted in the constitution; or, at least, that part of it which relates to the several grants of power specified in the preceding clauses of the section. For, so far from sweeping, by which it would seem, is meant (if indeed the appellation is designed to mean any thing) a carrying along with it powers not specified in the enumeration of grants immediately preced-

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ing the clause, it carries along with it nothing at all. It imparts not a scintilla of power to Congress which the preceding enumeration does not grant. If then by the ascription to it of the sweeping quality be really meant that it imparts to Congress powers other than those enumerated in the preceding clause of the section, which are distinct from and additional to them, indefinite in number and extent, a little reflection, I should imagine, might convince any one that such construction must involve dangerous consequences—that such would be a sweeping quality indeed—that it might sweep away not only all the restrictions intended by the specification of those particular grants of power, but also every vestige of authority reserved to the States. Yes, sir, such must be its quality, such the extent of its force, if it be allowed that the clause conveys to Congress any real substantive powers not contained in the special grants enumerated; for if it be admitted that it convey any such additional powers at all, since they are not defined, they would consequently be general as well as unlimited. To give to the clause, then, the full force which the appellation by which it has been distinguished, were it a proper appellation for it, would be in fact to give to Congress general, unlimited, discretionary powers. I presume, sir, that nothing would be hazarded by the declaration, were I to take upon myself to affirm that not a single member of this honorable body will admit that it contains a grant of such general, discretionary powers. Hence, sir, it is clear to my mind that those who ascribe to the clause in question the quality which seems to have been ascribed to it, must be involved in the dilemma of either advocating so great an extent of power as existing in this body, as would render altogether useless and nugatory the special grants of power enumerated in the constitution, and therefore much more power than they would really be willing to allow it to convey; or of admitting at last that it conveys none at all more than what the enumeration of itself grants without that clause. Hence too it is equally clear to me that, so far from conferring on this body any real powers additional to those described in the preceding enumeration, the clause is merely the recognition of a general principle, necessarily inherent in each grant of power, that Congress being invested with the power, may use or authorize by law a use of the natural appropriate means of carrying the power into execution, for which purpose alone such means can be used, the application of them depending entirely upon the exercise of the power granted, and without which right all the several grants expressed would be merely so many naked grants, and would convey to this body no such powers as the grants purport to convey.

When Mr. CLAPTON had concluded—the question being about to be put on his motion without debate—

Mr. GASTON, of North Carolina, took the floor. Among the most alarming indications

of the times, he remarked, was the apathy which pervaded the House on this occasion; an apathy resembling the numbness which generally precedes mortal dissolution, under the influence of which a question of such importance as this was about to be taken without debate and almost without deliberation. If the bill would produce that effect which its friends predicted, it would prove a beneficial and valuable institution; if fraught with the mischiefs which he saw in it, its passage would bring with it certain destruction to the nation. He took it for granted, from the course of proceedings which had taken place in the House when this subject was before under consideration, that all hope of obtaining a bank at all resembling what banks have heretofore been, must now cease; and that the institution embraced by this bill, if it passed, would be a mere paper bank, and nothing else, from which no benefit could result to the Government or the community. He examined the character of this bill, and particularly objected to the extent of the capital; the limited proportion of specie to be employed in it; and the power to suspend specie payments. Upon a full view of all its features, he denied that it would restore public credit, or establish an adequate circulating medium, the purposes which its friends hoped it would accomplish. It would, on the contrary, from the moment of its establishment, give birth to a monstrous scene of stock-jobbing and speculation, always detrimental to the public credit. By a system of rigid economy and carrying into effect the taxes agreed to by the House, he said, he had some hope that the Government would weather the storm with which it was assailed, without national bankruptcy; but, if Congress passed a bill of this kind, he conscientiously believed it would not be possible to avoid the evil; and that, if they passed this, they might as well at the same time pass a bill of national bankruptcy.

The amendments proposed by the Committee of Ways and Means to the bill were separately considered, and agreed to by a considerable majority.

The committee proceeded in further consideration of the bill—rose, after 4 o'clock, reported progress, and obtained leave to sit again.

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SATURDAY, December 24.

Bank of the United States.

On motion of Mr. FISK, of New York, the House again resolved itself into a Committee of the Whole, on the bill to incorporate the subscribers to the Bank of the United States of America.

As amended, the bill exhibits the following features, viz:

The capital to consist of fifty millions of dollars, divided into shares of five hundred dollars each; subscribable and payable as follows: by the Government, in stock to bear an interest of four per cent. per annum; fifteen millions, by

individuals; the remaining thirty-five millions payable as follows, viz: five millions in specie, ten millions in Treasury notes, and twenty millions in what is usually called the war stock. The bank to commence its operations so soon as eleven millions, five hundred thousand dollars are paid in, in the proportions before mentioned, of specie, Treasury notes, and stock.

Other amendments were proposed to the bill; when the House adjourned, without taking a question on the bill's going to a third reading.

MONDAY, December 26.

Case of Matthew Guy, an Oysterman, who attacked and captured a British Officer and four men.

MR. INGERSOLL, of Pennsylvania, rose to make a motion. He said there was now an individual in this town, by the name of Matthew Guy, a native of the town of Dumfries, Virginia, who, by an extraordinary act of bravery and heroism, had himself captured a British officer and four British seamen. He was in an oyster boat in the neighborhood of Chippewanzie, into which he was pursued by a British vessel; and, after he got into the creek, a barge was sent after him with a midshipman and four men. This individual, finding he must be overtaken, went ashore in a small skiff, and concealed himself on the margin of the creek with his duck-gun, directing a mulatto man, who was the only person in company with him, to pursue his way up the creek. The mulatto man accordingly steered up the creek, under a sharp fire from the barge, which was in pursuit. When the barge passed within a convenient distance, Mr. Guy discharged his gun with such steady aim at it, as to wound four of the five men on board, who immediately cried for quarter, which being readily granted, they pushed ashore, while Guy was loading his gun a second time. On finding the inferiority of force to which they had surrendered their arms, the prisoners were disposed to attempt a rescue; but their captor presented his piece a second time at them, and they deemed it proper to submit, the officer and three others being already wounded. The brave man who performed this exploit, delivered his prisoners up to the militia in St. Mary's county, by whom they had been brought to the city. Though this case did not come within the letter, he said it certainly did within the equity of the law, which allows a bounty of one hundred dollars on every prisoner taken by privateers; because this individual had redeemed from captivity one of our naval officers and four of our seamen, by obtaining the means of their exchange; which was the principle on which the act in question was passed. He was desirous to extend the provision of that bill to this individual; and therefore moved the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of allowing

a bounty to Matthew Guy, for five English prisoners captured by him.

The motion was agreed to without opposition.

And on motion, the House adjourned until to-morrow.

TUESDAY, December 27.

Bank of the United States.

The House resumed the consideration of the bill, to incorporate the subscribers to the Bank of the United States of America.

A motion was made by Mr. HALE to amend the bill, by striking out the thirteenth section of the bill, which authorizes occasional suspension of payments in specie by the bank: Whereupon,

MR. INGERSOLL, of Pennsylvania, required the previous question, which precludes all further debate or amendment of the bill. This call being duly sustained, the previous question was taken, and decided—for taking the main question 72, against taking it 70.

The previous question having thus been decided in the affirmative—

The main question, viz: "Shall the amendments be engrossed, and, together with the bill, be read a third time?" was then put, and decided as follows:

YEAS.—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Bines, Bradley, Brown, Caldwell, Calhoun, Cannon, Chappell, Clark, Clendenin, Comstock, Conard, Creighton, Cuthbert, Dana, Davis of Pennsylvania, Denoyelles, Duval, Earle, Farrow, Findlay, Fisk of New York, Forney, Forsyth, Gourdin, Griffin, Harris, Hasbrouck, Hawes, Hawkins, Hopkins of Kentucky, Hubbard, Ingersoll, Ingham, Irving, Irwin, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Leferts, Lowndes, Lyle, McCoy, McKee, McLean, Montgomery, Moore, Murfree, Nelson, Ormsby, Parker, Pickens, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Robertson, Sage, Sevier, Sharpe, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Udree, Ward of New Jersey, Williams, Wilson of Pennsylvania, and Yancey—81.

NAYS.—Messrs. Baylies of Massachusetts, Bigelow, Bowen, Boyd, Bradbury, Brigham, Butler, Caperton, Champion, Cilley, Clopton, Cooper, Cox, Crawford, Davenport, Davis of Massachusetts, Desha, Ely, Evans, Franklin, Gaston, Gholson, Hale, Hall, Henderson, Humphreys, Jackson of Rhode Island, Johnson of Virginia, Kennedy, King of Massachusetts, Law, Lovett, Macon, Markell, Miller, Mosely, Newton, Oakley, Pearson, Pickering, Pitkin, Potter, John Reed, William Reed, Ruggles, Schureman, Seybert, Sheffey, Sherwood, Shipard, Slaymaker, Stanford, Stockton, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, and Winter—62.

So the bill was ordered to be read a third time to-morrow; and the House adjourned.

FRIDAY, December 30.

Funeral Honors to the late Senator Brent.

A message was received from the Senate announcing the death of RICHARD BRENT, a Senator of the United States from Virginia.

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The Speaker laid before the House a letter from the committee of the Senate appointed to make arrangements for the burial of Mr. BRENT, announcing their determination to attend the funeral at 12 o'clock to-morrow; which letter having been read—

On motion of Mr. PLEASANTS,
Resolved, unanimously, That the House will attend the funeral of RICHARD BRENT, Esq., late a member of the Senate of the United States.

Resolved, unanimously, That this House will wear mourning on the left arm for the space of one month, in testimony of their respect for the memory of the deceased.

The House then immediately adjourned.

SATURDAY, December 31.

No business was transacted in the House this day, in consequence of the funeral of Mr. BRENT, of the Senate.

MONDAY, January 2, 1815.

Bank of the United States.

The House resumed the consideration of the bill from the Senate to incorporate the subscribers to the Bank of the United States of America. Mr. WEBSTER's motion to recommit the bill being still under consideration.

Mr. WEBSTER, of New Hampshire, spoke as follows:

Mr. Speaker, however the House may dispose of the motion before it, I do not regret that it has been made. One object intended by it, at least, is accomplished. It presents a choice to the House, and it shows, that the opposition which exists to the bill in its present shape, is not an undistinguishing hostility to whatever may be proposed as a National Bank, but a hostility to an institution of such a useless and dangerous nature, as it is believed the existing provisions of the bill would establish.

If the bill should be recommitteed and amended according to the instructions which I have moved, its principles will be materially changed. The capital of the proposed bank will be reduced from fifty to thirty millions; and composed of specie and stocks, in nearly the same proportion as the capital of the former Bank of the United States. The obligation to lend thirty millions of dollars to Government, an obligation which cannot be performed without committing an act of bankruptcy, will be struck out. The power to suspend the payment of its notes and bills will be abolished, and the prompt and faithful execution of its contract secured, as far as, from the nature of things, it can be secured. The restriction on the sale of its stocks will be removed, and, as it is a monopoly, provision will be made, that if it should not commence its operations in reasonable time, the grant shall be forfeited. Thus amended, the bill would establish an institution, not unlike the late Bank of the United States, in any particular which I deem material, excepting only the increased amount of the capital.

To a bank of this nature, I should at any time be willing to give my support, not as a measure of temporary policy, or an expedient to find means of relief from the present poverty of the Treasury; but as an institution of permanent interest and importance, useful to the Government and country at all times, and most useful in times of commerce and prosperity.

I am sure, sir, that the advantages which would at present result from any bank, are greatly overrated. To look to a bank, as a source capable not only of affording a circulating medium to the country but also of supplying the ways and means of carrying on the war, especially at a time when the country is without commerce, is to expect much more than will ever be obtained. Such high wrought hopes can end only in disappointment. The means of supporting an expensive war are not of quite so easy acquisition. Banks are not revenues. They cannot supply its place. They may afford facilities to its collection and distribution. They may furnish, with convenience, temporary loans to Government, in anticipation of its taxes, and render important assistance in divers ways to the general operations of finance. They are useful to the State, in their proper place and sphere; but they are not the sources of national income.

The fountains of revenue must be sunk deeper. The credit and circulation of bank paper are the effects, rather than the cause, of a profitable commerce and a well-ordered system of finance. They are the proofs of national wealth and prosperity, not the foundations of them. Whoever shall attempt to restore the fallen credit of this country by the creating of new banks, merely that they may create new paper, and that Government may have a chance of borrowing, where it has not borrowed before, will find himself miserably deceived. It is under the influence of no such vain hopes, that I yield my assent to the establishment of a bank on safe and proper principles. The principal good I expect from it is rather future than present. I do not see, indeed, that it is likely to produce evil at any time. In times to come it will, I hope, be useful.

If it were only to be harmless, there would be sufficient reason why it should be supported, in preference to such a contrivance as is now in contemplation.

The bank, which will be created by the bill, if it should pass in its present form, is of a most extraordinary, and, as I think, alarming nature. Its capital is to be fifty millions of dollars, five millions in gold and silver, twenty millions in the public debt, created since the war, ten millions in Treasury notes, and fifteen millions to be subscribed by Government in stock, to be created for that purpose. The ten millions in Treasury notes, when received in payment of subscriptions to the bank, are to be funded also into the United States stocks. The stocks subscribed by Government, on its own account, and those in which the Treasury notes are to be

funded, to be redeemable only at the pleasure of Government. The war stock will be redeemable according to the terms upon which the late loans have been negotiated.

The capital of the bank, then, will be five millions of specie, and forty-five millions of Government stocks. In other words, the bank will possess five millions of dollars, and the Government will owe it forty-five millions. This debt from Government, the bank is restrained from selling during the war, and Government is excused from paying until it shall see fit. The bank is also to be under obligation to loan Government thirty millions of dollars, on demand, to be repaid, not when the convenience or necessity of the bank may require, but when other debts due the bank from Government are paid; that is, when it shall be the good pleasure of Government. This sum of thirty millions is to supply the necessities of the Treasury, and supersede the occasion of other loans. This loan will doubtless be made on the first day of the existence of the bank, because the public wants can admit of no delay. Its condition then will be, that it has five millions of specie, if it has been able to obtain so much, and a debt of seventy-five millions, no part of which it can either sell or call in, due to it from Government.

The loan of thirty millions to Government can only be made by an immediate issue of bills to that amount. If these bills should return, the bank will not be able to pay them. This is certain; and to remedy this inconvenience, power is given to the directors, by the act, to suspend, at their own discretion, the payment of their notes, until the President of the United States shall otherwise order. The President will give no such order, because the necessities of Government will compel it to draw on the bank, till the bank becomes as necessitous as itself. Indeed, whatever orders may be either given or withheld, it will be utterly impossible for the bank to pay its notes. No such thing is expected of it. The first note it issues will be dishonored on its return, and yet it will continue to pour out its paper, so long as Government can apply it in any degree to its purposes.

What sort of an institution, sir, is this? It looks less like a bank than like a department of Government. It will be properly the paper money department. Its capital is Government debts; the amount of issues will depend on Government necessities; Government in effect absolves itself from its own debts to the bank, and by way of compensation, absolves the bank from its own contracts with others. This is, indeed, a wonderful scheme of finance. The Government is to grow rich, because it is to borrow, without the obligation of repaying, and is to borrow of a bank which issues paper without liability to redeem it. If this bank, like other institutions, which dull and plodding common sense has erected, were to pay its debts, it must have some limits to its issues of paper, and therefore there would be a point beyond which it could not make loans to Government. This

would fall short of the wishes of the contrivers of this system. They provide for an unlimited issue of paper, in an entire exemption from payment. They found their bank, in the first place, on the discredit of Government; and then hope to enrich Government out of the insolvency of the bank. With them, poverty itself is the main source of supply, and bankruptcy a mine of inexhaustible treasure. They rely, not on the ability of the bank, but on its beggary; not on gold and silver collected in its vaults to pay its debts and fulfil its promises, but on the locks and bars provided by statute to fasten its doors against the solicitations and clamors of importunate creditors. Such an institution, they flatter themselves, will not only be able to sustain itself, but to buoy up the sinking credit of Government. A bank which does not pay, is to guarantee the engagements of a Government which does not pay. "John Doe is to become security for Richard Roe." Thus the empty vaults of the Treasury are to be filled from the equally empty vaults of the bank, and the ingenious invention of a partnership between insolvents is to restore and re-establish the credit of both.

Sir, I can view this only as a system of rank speculation, and enormous mischief. Nothing in our condition is worse, in my opinion, than the inclination of Government to throw itself upon such desperate courses. If we are to be saved, it is not to be by such means. If the public credit is to be restored, this is not one of the measures that will help to restore it. If the Treasury is exhausted, this bank will not fill it with any thing valuable. If a safe circulating medium be wanted for the community, it will not be found in the paper of such a corporation.

I wish, sir, that those who imagine that these objects, or any of them, will be effected by such a bank as this, would describe the manner in which they expect it to be done. What is the process which is to produce these results? If it is perceived, it can be described. The bank will not operate either by miracle or magic. Whoever expects any good from it, ought to be able to tell us in what way that good is to be produced. As yet, we have had nothing but general ideas, and vague and loose expressions. An indefinite and indistinct notion is entertained, nobody here seems to know on what ground, that this bank is to reanimate public credit, fill the Treasury, and remove all the evils which have arisen from the depreciation of the paper of existing banks.

Some gentlemen, who do not profess themselves to be in all respects pleased with the provisions of the bill, seem to content themselves with an idea that nothing better can be obtained, and that it is necessary to do something.

A strong impression that something must be done, is the origin of many bad measures. It is easy, sir, to do something; but the object is to do something useful. It is better to do

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nothing, than to do mischief. It is much better, in my opinion, to make no bank, than to pass the bill as it now is.

The interests to be affected by this measure, the finances, the public credit, and the circulating medium of the country, are too important to be hazarded on schemes like this. If we wish to restore the public credit, and to re-establish the finances, we have the beaten road before us. All true analogy, all experience, all just knowledge of ourselves and our condition point one way. We can hardly mistake it, without wilful blindness. A wise and systematic economy, and a settled and substantial revenue, are the means to be relied on; not excessive issues of bank notes, a forced circulation, and all the miserable contrivances to which political folly can resort, with the idle expectation of giving to mere paper the quality of money.

These are all inventions of a short-sighted policy, vexed and goaded by the necessities of the moment, and thinking less of a permanent remedy, than of shifts and expedients to avoid the present distress. They have been a thousand times exploded, as delusive and ruinous, as destructive of all solid revenue, and incompatible with the security of private property.

It is, sir, sufficiently obvious, that to produce any benefit, this bank must be so constituted as that its notes shall have credit with the public. The first inquiry, therefore, should be, whether the bills of a bank of this kind will not be immediately and greatly depreciated. I think they will. It would be wonderful if they should not. This effect will not be produced by that excessive issue of its paper, which the bank must make in its loan to Government. Whether its issues of paper are excessive, will depend, not on the nominal amount of its capital, but on its ability to redeem. This is the only safe criterion. Very special cases may perhaps furnish exceptions, but there is in general no security for the credit of paper, but the ability in those who emit to redeem it. Whenever bank notes are not convertible into gold or silver at the will of the holder, they become of less value than gold and silver. All experiments on this subject have come to the same result. It is so clear, and has been so universally admitted, that it would be waste of time to dwell upon it. The depreciation may not be sensibly perceived the first day or the first week it takes place. It will first be discerned in what is called the rise of specie; it will next be seen in the increased price of all commodities.

The circulating medium of a commercial community must be that which is also the circulating medium of other commercial communities, or must be capable of being converted into that medium without loss. It must be able, not only to pass in payments and receipts between individuals of the same society or nation, but to adjust and discharge the balance of exchanges between different nations. It must

be something which has a value abroad, as well as at home, and by which foreign as well as domestic debts can be satisfied. The precious metals alone answer these purposes. They alone, therefore, are money, and whatever else is to perform the offices of money must be their representative, and capable of being turned into them at will. So long as bank paper retains this quality, it is a substitute for money; divested of this, nothing can give it that character.

No solidity of funds, no sufficiency of assets, no confidence in the solvency of banking institutions, has ever enabled them to keep up their paper to the value of gold and silver; any longer than they paid gold and silver for it on demand. This will continue to be the case so long as those metals shall continue to be the standard of value and the general circulating medium among nations.

A striking illustration of this common principle is found in the early history of the Bank of England. In the year 1797, it had been so liberal in its loans, that it was compelled to suspend the payment of its notes. Its paper immediately fell to a discount of near twenty per cent. Yet such was the public opinion of the solidity of its funds, that its stock then sold for one hundred and ten per cent., although no more than sixty per cent. upon the subscriptions had been paid in.

The same fate, as is well known, attended the paper of the banks of Scotland, when they adopted the practice of inserting in their notes a clause, giving the banks an option of paying their notes on demand, or in six months after demand, with interest. Paper of this sort was not convertible into specie at the pleasure of the holder; and no conviction of the ability of the bank which issued it, could preserve it from depreciation.

The suspension of specie payments by the Bank of England in 1797, and the consequences which followed, afford no argument to overturn this general experience. If Bank of England notes were not immediately depreciated on that occasion, depreciation nevertheless did ensue. Very favorable causes existed to prevent their sudden depression. It was an old and rich institution. It was known to be under the most discreet and independent management. Government had no control over it, to force it to make loans against its interest or its will. On the contrary, it compelled the Government to pay, though with much inconvenience to itself, a very considerable sum which was due to it. The country enjoyed at that time an extensive commerce, and a revenue of three hundred millions of dollars was collected and distributed through the bank. Under all these advantages, however, the difference of price between bank notes and coin became so great as to threaten at one time the most dangerous consequences.

Suppose the condition of England to have been reversed. Suppose, that instead of a

prosperous and increasing commerce, she had suffered the ruin of her trade; and that the product of her manufactures had lain upon her hands, as the product of our agriculture now perishes on ours. Does any one imagine that her circulating paper could have existed, and maintained any credit in such a change of her condition? What ought to surprise us is, not that her bank paper was depreciated, but that it was not depreciated sooner and lower than in fact it was. The reason can only be found in that extraordinary combination of favorable circumstances which never existed before, and is hardly to be expected again. Much less is it to be discovered in our condition at present.

But we have experience nearer home. The paper of all the banks south of New England has become depreciated to an alarming extent. This cannot be denied. All that is said of the existence of this depreciation only at places remote from the banks, is unfounded and idle. It exists everywhere, even at the very doors of the banks themselves. The rates of exchange, both foreign and domestic, put this point beyond controversy. If a bill of exchange on Europe can be purchased, as it may, twenty per cent. cheaper in Boston than in Baltimore, the reason must be, that it is paid for in Boston in money, and in Baltimore in something twenty per cent. less value than money.

Notwithstanding this depression of their paper, it is not probable that any general doubt is entertained of the sufficiency of the funds of the principal banks. Certainly no such doubt is the cause of the fall of their paper; because the depression of the paper of all the banks in any place, as far as I learn, is generally uniform and equal; whereas, if public opinion proceeded at all, upon the adequacy or inadequacy of their funds, it would necessarily come to different results, in different cases, as some of these institutions must be supposed to be richer than others.

Sir, something must be discovered, which has hitherto escaped the observation of mankind, before you can give paper, intended for circulation, the value of a metallic currency, any longer than it represents that currency, and is convertible into it, at the will of the holder.

The paper, then, of this bank, if you make it, will be depreciated for the same reason that the paper of other banks which have gone before it, and of those which now exist around us, has been depreciated: because it is not to pay specie for its notes.

Other institutions, setting out perhaps on honest principles, have fallen into discredit through mismanagement or misfortune. But this bank is to begin with insolvency. It is to issue its bills to the amount of thirty millions at least, when everybody knows it cannot pay them. It is to commence its existence in dishonor. It is to draw its first breath in disgrace. The promise contained in the first note

it sends forth, is to be a false promise; and whoever receives the note, is to take it with the knowledge that it will not be paid according to the terms of it.

But this, sir, is not all. The framers of this bill have not done their work by halves. They have put the depreciation of the notes of their bank beyond all doubt or uncertainty, by the manner in which the capital is constituted. They have made assurance doubly sure. In addition to excessive issue of paper, and the failure to make payments, both which they provide for by law, they make the capital of the bank to consist principally of public stock.

If this stock could be sold as in the former Bank of the United States, the evil would be less. But the bank has not the power to sell it, and for all purposes of enabling it to fulfil its engagements, its funds might as well be at the bottom of the ocean, as in Government stocks, of which it cannot enforce payment, and of which it cannot dispose.

The credit of this institution is to be founded on public funds, not on private property or commercial credit. It is to be a financial, not a commercial bank. Its credit, therefore, can hardly be better at any time, than the credit of the Government. If the stocks be depreciated, so of course must every thing be which rests on the stocks.

It would require extraordinary ingenuity to show how a bank which is founded on the public debt, is to have any better reputation than the debt itself. It must be some very novel invention which makes the superstructure keep its place after the foundation has fallen. The argument seems to stand thus: The public funds, it is admitted, have little credit; the bank will have no credit which it does not borrow of the funds; but the bank will be in full credit.

If, sir, we were in a temper to learn wisdom from experience, the history of most of the banks on the Continent of Europe might teach us the futility of all these contrivances. Those are, like this before us, established for purposes of finance, not purposes of commerce. The same fortune has happened to them all. Their credit has sunk. Their respective Governments go to them for money, when they can get it nowhere else; and the banks can relieve their wants only by new issues of their own paper. As this is not redeemed, the invariable consequence of depreciation follows; and this has sometimes led to the miserable and destructive expedient of a depreciation of the coin itself.

Such are the banks of Petersburg, Copenhagen, Vienna, and other cities of Europe. And while the paper of these Government banks has been thus depressed, that of other banks, existing in their near neighborhood unconnected with Government, and conducting their business on the basis of commercial credit, has retained a value equivalent to that of coin.

Excessive issues of paper, and a close connection with Government, are the two circumstan-

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ces which of all others are most certain to destroy the credit of bank paper. If there were no excessive issue, or in other words, if the bank paid its notes in specie on demand, its connection with Government, and its interest in the funds, would not perhaps materially affect the circulation of its paper, although they would naturally diminish the value of its stock. But when these two circumstances exist in the condition of any bank; that it does not pay its notes, and that its funds are in public stocks, and all its operations intimately blended with the operations of Government, nothing further need be known, to be quite sure that its paper will not answer the purpose of a creditable circulating medium.

I look upon it, therefore, sir, as certain that a very considerable discount will attach itself to the notes of this bank, the first day of their appearance; that this discount will continue to increase, and unless Congress should be able to furnish some remedy, which is not certain, the paper in the end will be worth nothing. If this happens, not only will no one of the benefits proposed be obtained, but evils of the most alarming magnitude will follow. All the horrors of a paper money system are before us. If we venture on the present expedient, we shall hardly be able to avoid them. The ruin of public affairs and the wreck of private property will ensue.

I would ask, sir, whether the friends of this measure have well considered what effect it will produce on the revenue of the country? By the provisions of this bill, the notes of the bank are to be received in payment of all taxes and other dues to Government. They cannot be refused on account of the depreciation of their value. Government binds itself to receive them at par; although it should be obliged to pay them out immediately at a discount of a hundred per cent. It is certain, then, that a loss on the revenue will be sustained, equal to any depreciation which may take place in this paper; and when the paper shall come to nothing, the revenue of the country will come to nothing along with it. This has happened to other countries, where this wretched system has been adopted, and it will happen here.

The Austrian Government resorted to a similar experiment, in a very critical period of its affairs, in 1809, the year of the last campaign between that country and France, previous to the late coalition. Pressed by the necessities of the occasion, the Government caused a large quantity of paper to be issued, which was to be received in imposts and taxes. The paper immediately fell to a depreciation of four for one. The consequence was, that the Government lost its revenue, and with it the means of supplying its armies, and defending its Empire.

Is this Government, sir, now ready to put its resources all at hazard, by pursuing a similar course? Is it ready to sacrifice its whole substantial revenue, and permanent supplies, to an ill contrived, ill considered, dangerous and ruin-

ous project, adopted only as the means of obtaining a little present and momentary relief?

It ought to be considered also, what effects this bank will produce on other banking institutions already existing, and on the paper which they have issued. The aggregate capital of these institutions is large. The amount of their notes is large, and these notes constitute at present, in a great portion of the country, the only circulating medium, if they can be called a circulating medium. Whatever affects this paper, either to raise it, or to depress it lower than it is, affects the interest of every man in the community.

It is sufficient, on this point, to refer to the memorial from the banks of New York. That assures us that it must be the operation of such a bank as this bill would establish, to increase the difficulties and distress which the existing banks now experience, and to render it nearly impossible for them to resume the payment of their notes. This is what every man would naturally expect. Paper already depreciated will necessarily be sunk still lower when another flood of depreciated paper is forced into circulation.

Very recently, sir, this Government refused to extend the charter of the Bank of the United States, upon the ground that it was unconstitutional for Congress to create banks. Many of the State banks owe their existence to this decision. It was an invitation to the States to incorporate as much banking capital as would answer all the purposes of the country. Notwithstanding whatever we may now see and hear, it would then have been deemed a gross imputation on the consistency of Government if any man had expressed an expectation that in five years all these constitutional scruples would be forgotten, all the danger to political liberty from moneyed institutions disregarded, and a bank proposed upon the most extraordinary principles, with an unprecedented amount of capital, and with no obligation to fulfil its contracts.

The State Banks have not forced themselves in the way of Government. They were established, many of them at least, when Government had declared its purpose to have no bank of its own. They deserve some regard on their own account, and on account of those particularly concerned in them; but they deserve much more consideration on account of the quantity of their paper which is in circulation, and the interest which the whole community has in it.

Let it be recollected, also, sir, that the present condition of the banks is principally owing to their advances to Government. The Treasury has borrowed of the banks, or of those who themselves borrowed of the banks, till the banks have become as poor, and almost as much discredited, as the Treasury itself. They have depreciated their paper, nearly ruined themselves, and brought the sorest distress on the

country by doing that on a small scale, which this new bank is to perform on a scale vastly larger.

It is almost unpardonable in the conductors of these institutions: not to have foreseen the consequences which have resulted from the course pursued by them. They were all plain and visible. If they have any apology, it is that they were no blinder than the Government, and that they yielded to those who would take no denial. It will be altogether unpardonable in us, if with this, as well as all other experience before us, we continue to pursue a system which must inevitably lead us, through depreciation of currency, paper money, tender laws, and all the contemptible and miserable contrivances of disordered finances and national insolvency, to complete and entire bankruptcy in the end.

I hope the House will recommit the bill for amendment.

When Mr. WEBSTER had concluded, the motion for recommitment was supported by Messrs. PICKERING, SHIPARD, and WHEATON, in speeches of considerable length, and opposed by Messrs. FORSYTH and RHEA.

The question on recommitment was at length decided in the negative by yeas and nays—yeas 68, nays 89.

The question was then taken on the passage of the bill. The yeas and nays thereon stood—yeas 81, nays 80, as follows:

YEAS.—Messrs. Alexander, Alston, Anderson, Archer, Avery, Barnett, Bines, Bradley, Brown, Caldwell, Cannon, Chappell, Clark, Clendenin, Comstock, Conard, Creighton, Crouch, Cuthbert, Dana, Davis of Pennsylvania, Denoyelles, Duvall, Earle, Farrow, Findlay, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Gholson, Gourdin, Griffin, Harris, Hasbrouck, Hawes, Hawkins, Hopkins of Kentucky, Hubbard, Ingersoll, Ingham, Irving, Irwin, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, McCoy, McKee, McLean, Montgomery, Moore, Murfree, Nelson, Ormsby, Parker, Pickens, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Robertson, Sage, Sevier, Sharpe, Skinner, Smith of Pennsylvania, Strong, Tannehill, Taylor, Telfair, Udree, Ward of New Jersey, Williams, Wilson of Pennsylvania, and Yancey.

NAYS.—Messrs. Bard, Baylies of Massachusetts, Bayly of Virginia, Bigelow, Bowen, Boyd, Bradbury, Breckenridge, Brigham, Burwell, Butler, Caperton, Calhoun, Champion, Cilley, Clopton, Cooper, Cox, Crawford, Culpeper, Davenport, Davis of Massachusetts, Desha, Ely, Evans, Franklin, Gaston, Geddes, Glasgow, Grosvenor, Hale, Hall, Hanson, Henderson, Howell, Humphreys, Hulbert, Jackson of Rhode Island, Johnson of Virginia, Johnson of Kentucky, Kennedy, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Macon, McKim, Miller, Mosely, Markell, Newton, Oakley, Pearson, Pickering, Pitkin, Potter, John Reed, William Reed, Ruggles, Schureman, Seybert, Sheffey, Sherwood, Shipard, Slaymaker, Stanford, Stockton, Stuart, Sturges, Taggart, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, and Winter.

The state of the vote having been declared—

The SPEAKER (Mr. CHEVES, of South Carolina) rose. After adverting to the rule of the House, which makes it the right and duty of the Speaker to vote in two cases, of which this was one, he proceeded to assign briefly the reasons which influenced him to vote against the bill. He noticed the opinions expressed on both sides of the House for and against the measure; and declared his own conviction that the bill proposed a dangerous, unexampled, and, he might almost say, a desperate resort. He cursorily examined the three views in which the passage of the bill had been advocated, namely, as calculated to resuscitate public credit; to establish a circulating medium; and to afford the ways and means for the support of the Government. He delivered, with even more than his usual eloquence and impressiveness, his opinions of these several points, and concluded with expressing his solemn belief that neither of these purposes would be answered by the bill. He denied that the passage of this bill was demanded by the safety of the nation; but intimated his opinion that a National Bank bill might be framed, by which the avowed objects of the present bill might be accomplished, which he had no doubt would unite a majority in its favor. Although the vote was painful to him to give, he was therefore obliged to vote in the negative.

The Speaker's vote having produced an equality of votes, he declared the decision of the House to be, that the bill should not pass.

So the bill is rejected.

Mr. HALL, of Georgia, who had voted against the bill, then moved a reconsideration of the vote just taken. He said he was opposed to this bill, and should be opposed to any bill for the establishment of a National Bank; but he was willing that his friends should have an opportunity of giving such a shape to a bill on that subject, as should unite the votes of all who were friendly on principle to the establishment of a National Bank.

The question for a reconsideration of the vote having been stated from the Chair—a motion was made to adjourn, and decided in the affirmative.

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Another member, to wit, from Massachusetts, ABIEL WOOD, appeared, and took his seat.

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The House resumed the consideration of the unfinished business, being a motion to reconsider the vote to reject the bill to incorporate the subscribers to the Bank of the United States of America.

Mr. HALL, of Georgia, commenced the debate by assigning the reasons which had influenced him to move a reconsideration of the question; which were, generally, that though he was and should continue to be opposed to any bank that could be established, unless within the District

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of Columbia, yet the state of the vote of last night gave him reason to believe that some plan might be adopted to meet the views of what was evidently a majority of the House on that subject. He therefore proposed, if the vote should be reconsidered, to call up the proposition laid upon the table by him some time ago, respecting an issue of Treasury notes, and to move its reference, together with this bill, to the Committee of Ways and Means; that, from a combination of the principles of both, some measure might be adopted which would subserve the public interest.

Mr. ALEXANDER, of Ohio, made a few general remarks as to the readiness with which he should approach this question to reconsider what had been denounced as a rash, desperate, and destructive measure. His remarks were evidently intended to reflect on the observations with which the Speaker had on the preceding evening prefaced his vote. He should feel no pain, he said, when acting from his own choice, in giving a vote which was to destroy a ruinous measure; he should rather rejoice in the opportunity of giving such a vote, and not complain that he did it with pain, &c.

Mr. McKEE, of Kentucky, favored the reconsideration of the bill, in the hope that, when reconsidered, it would be recommitment, and its features changed. He had voted for it in its present shape with much reluctance; he had so voted, however, because he believed the taxes could not be paid by the people unless they were aided by the establishment of a medium of general circulation, &c.

Mr. INGERSOLL, of Pennsylvania, said he should vote for a reconsideration of the bill, because he was of the same opinion to-day that he was yesterday. He was not tenacious as to the plan of it, but a National Bank he believed to be indispensable, &c.

Mr. MACON, of North Carolina, said he should vote against reconsideration; for, although he had of late uniformly entertained the opinion, that it would be convenient and expedient to establish a National Bank, he as firmly believed that there was no delegated power in Congress to establish such a bank. He had given such votes as he thought calculated to improve or perfect the various bills before the House, but he must eventually vote against any bank.

Mr. ROBERTSON, of Louisiana, was in favor of reconsideration, and made an animated appeal to those who were friendly to the establishment of a bank, and yet had opposed this bill because the details did not exactly meet their views. He called upon them to sacrifice their particular prejudices, and not prostrate the public interest at the shrine of their own pride or independence of opinion.

Mr. ALSTON, of North Carolina, said he should vote against reconsideration. Believing no good could result from further attempts to unite conflicting opinions on this subject; he was in favor of putting it to rest, and letting the re-

sponsibility rest on the shoulders of those who had twice already defeated the bill, &c.

Mr. DUVALL, of Kentucky, in advocating a reconsideration, called upon those who had refused to sacrifice their individual opinions, to remember the sacrifices made by those of their own party, and to exhibit that liberality and spirit of mutual concession, without which there could be no legislation. He believed there was a decided majority in the House in favor of a National Bank, and he entreated gentlemen to consent to recommitment, to make one last effort to save the sinking credit of the country, &c.

Mr. GHOLSON, of Virginia, conjured gentlemen to put an end to debate, and to act. While they were debating, the Army was suffering for the want of necessary supplies; the nation was suffering at every point. He entreated gentlemen to permit the question to be taken.

Mr. HAWKINS, of Kentucky, addressing himself to the majority of the House, exhorted them to unite, and no longer suffer themselves to be driven from ground to ground, from shift to shift, by the pertinacity of a minority who openly disavowed any responsibility for the failure of measures which they were frequently the means of thwarting. He adverted to the majority which a day or two ago had appeared in favor of this bill, who had been driven from their ground by the pertinacity of the minority, in violation of the usages and decorum of legislation, &c. He appealed also to the liberality of those opposed to this bill on mere points of detail, whether an opportunity ought not to be afforded to those who were friendly to the principle to try this question again. He dwelt with much emphasis on the weight of responsibility attaching to every one who voted on this question, and the propriety of allowing them to vote again, on a vote on which the House was equally divided, after having an opportunity since to reflect on it.

Mr. PEARSON expressed himself favorably towards a National Bank, but as strongly opposed to the bill now before the House, the vote on which he would not consent to reconsider, lest the bill might then pass, though he was willing to suspend the rule of the House forbidding a bill once rejected to be originated anew, so as to give an opportunity to obtain the establishment of a bank on proper banking principles, &c.

Mr. FISK, of New York, said the very importance of this bill was the reason why a question decided as it had been, should be reconsidered; that, if a majority should not favor its passage in its present shape, it might be put in such a form as should insure it the support of a majority. The proposal of the gentleman who preceded him, to dispense with the rule, he considered as more objectionable by far, than the practice of reconsidering a vote.

Mr. FORSYTH, of Georgia, at some length, warmly contended for the reconsideration of

the bill, avowing himself still friendly to it, in preference to any other plan which could be proposed.

Mr. CALHOUN was in favor of reconsideration of the bill, but on different grounds from Mr. FORSYTH. He was and should continue opposed to the present bill.

Mr. GASTON, Mr. CULPEPER, Mr. WEBSTER, and Mr. GROSVENOR, expressed themselves friendly to a National Bank on the principles they have heretofore advocated, but decidedly opposed to this, and therefore determined to vote against reconsidering it, though they were willing to suspend the rule forbidding future reconsideration.

Mr. WILSON, of Pennsylvania, advocated reconsideration of the bill, on the grounds of partiality to the form of the present bill, which he examined and supported by a train of argument going to exhibit its particular merits.

Mr. HALL then said he had made his motion with the hope of obtaining a compromise of conflicting opinions, and a modification of the present bill. But, finding its friends so wedded to it as to attempt to force it through the House, he withdrew his motion for a reconsideration.

Mr. WEBSTER took this opportunity to lay upon the table the following resolution:

Resolved, That the rule of the House which prevents a subject once acted upon from being acted upon again during the same session, be suspended until otherwise ordered.

Mr. McKIM renewed the motion to reconsider the vote on the Bank bill; not from any intention to change his vote, but from a disposition to accommodate his friends on a question of so much magnitude.

Mr. SHARPE, of Kentucky, opposed, and Mr. NEWTON, of Virginia, advocated the reconsideration—the one on grounds of unabated hostility to the present bill; the other from a disposition to afford the utmost latitude to the consideration of a subject so highly important to the nation.

The question on reconsideration was at length decided by yeas and nays. For reconsideration 107, against it 54.

And the question being again stated—"Shall the bill pass?"—

Mr. McKEE moved to recommit the bill to a select committee, and presented his view of the change which he conceived ought to be made in its provisions.

Mr. BUTLER, of Vermont, supported this motion, and in a speech of some length exhibited his views on the same subject.

Mr. FORSYTH opposed the recommitment with much zeal and eloquence, on grounds of preference to the present bill.

Mr. KING, of Massachusetts, expressed his opinions generally in hostility to the establishment of any bank at this time, and in opposition to any compromise.

Mr. FINDLAY advocated the recommitment,

principally on the ground of opposition to that feature of the bill which requires the bank to make a loan to Government—which he believed at once superfluous and inexpedient.

Mr. OAKLEY and Mr. STOOKTON advocated recommitment with earnestness and ability, in order to procure a modification of the details. If modified, as they believed it might be, they pledged themselves to vote for the bank bill, and expressed their opinion that in that vote they would be joined by a majority of their political friends.

The question on recommitment was decided by yeas and nays. For recommitment 89, against it 71.

And it was determined to recommit the bill to a select committee of seven members.

Messrs. McKEE, FINDLAY, STOOKTON, PITKIN, TAYLOR, CUTHBERT, and YANCEY, were appointed the committee.

FRIDAY, January 6.

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Mr. McKEE, from the select committee to whom was recommitted the bill from the Senate to incorporate the subscribers to the Bank of the United States of America, reported sundry amendments thereto, which were read.

A motion was made by Mr. GASTON further to amend the bill, by striking out that part of the amendment describing the (war) stock which shall be subscribable to the bank, and inserting in lieu thereof, "or in any of the public debt of the United States drawing an accruing interest of six per centum per annum, contracted or to be contracted, by virtue of any act of Congress;" which motion was negatived.

The bill as amended was then ordered, without a division, to be read a third time tomorrow.

SATURDAY, January 7.

Bank of the United States.

The engrossed amendments to the bill from the Senate "to incorporate the Bank of the United States of America," were then read, and the question stated, "Shall this bill pass, as amended?" and the yeas and nays thereon having been required by Mr. STANFORD—

Mr. FISK, of New York, rose to assign the reasons which now influenced him to vote against this bill. His objections were, to the reduction of the capital, and to the omission of what had been miscalled the forced loan feature of the bill, which he considered one of the best. The bill, before it was amended, would, he said, have afforded to the Government a benefit to the amount of twenty millions, but now would not afford to it a greater bonus than three millions.

Mr. HANSON, of Maryland, expressed his regret to see any impediment thrown in the way of the bill. He expressed all the satisfaction he felt at being able on this occasion to redeem his pledge to co-operate with the majority, in any

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measure which he could hope or believe would be beneficial to the nation. This bill, in its present shape, he remarked, was the result of a compromise produced by mutual and magnanimous concessions, and at a period like this, of bitter political animosity, concessions reflecting equal honor on both sides of the House.

Mr. GROSVENOR, of New York, assigned, at some length, the reason why he should vote against the bill. He expressed, in a feeling manner, his regret at being compelled to vote, on this occasion, against so many of those with whom he had heretofore acted in opposition to the measures of this Administration. His objections were more to the time when and purposes for which a bank is to be established, than to the features of this bill, to some of which he objected. He denied that it could be a specie bank, or that the bank would ever be able to get a million of its notes into circulation. The Government relying upon it would be disappointed, and ruin soon stare them in the face.

Mr. TELFAIR, of Georgia, stated the reasons why, although he decidedly approved of the bill which had been first before the House, he should yet vote for this bill. He was seriously convinced, he said, that under the present embarrassment of our circulating medium, and of the fiscal concerns of the nation, that a bank was indispensable; and though the system now before the House was one, the details of which he could not approve, he would vote for it as a last resort. He frankly intimated his hope that the other House would propose some modification of the amendments of this House, that would render the compromise of opinion more equitable than as it now stood.

Mr. INGHAM, of Pennsylvania, believed, he said, a National Bank to be essentially necessary to give relief to the present embarrassed state of things. Believing this bill would contribute in some degree to relieve the national wants, it would receive his vote, though reluctantly; and he wished it to be distinctly understood, that instead of its being a preferred measure, he considered the first bill as more efficient and calculated to give the Government all it wanted.

The question on the final passage of this bill was then decided—yeas 120, nays 88, as follows:

YEAS.—Messrs. Alexander, Alston, Anderson, Barnett, Bayly of Virginia, Bigelow, Bines, Breckenridge, Brigham, Brown, Butler, Caperton, Caldwell, Calhoun, Cannon, Champion, Chappell, Cilley, Clark, Clendenin, Comstock, Conard, Cooper, Cox, Creighton, Crouch, Culpeper, Cuthbert, Dana, Davenport, Davis of Massachusetts, Davis of Pennsylvania, Duvall, Earle, Ely, Farrow, Findlay, Fisk of Vermont, Forney, Forsyth, Gaston, Geddes, Gholson, Hale, Hanson, Harris, Hasbrouck, Hawes, Hawkins, Henderson, Hopkins of Kentucky, Howell, Hungerford, Hulbert, Ingersoll, Ingham, Irving, Jackson of Rhode Island, Kent of New York, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lovett, Lowndes, Markell, McCoy, McKee, McKim, McLean, Montgomery, Moore, Mosely, Oakley, Ormsby, Pearson, Pickering, Pickens, Fitkin, Pleasants, Potter,

John Reed, William Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Robertson, Ruggles, Sage, Schureman, Sevier, Sharpe, Sheffey, Sherwood, Shipard, Slaymaker, Smith of New York, Smith of Pennsylvania, Stockton, Stuart, Sturges, Taggart, Tannehill, Taylor, Telfair, Thompson, Udree, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, White, Williams, Winter, Wood, and Yancey.

NAYS.—Messrs. Baylies of Massachusetts, Boyd, Bradbury, Burwell, Clopton, Crawford, Denoyelles, Desha, Eppes, Evans, Fisk of New York, Franklin, Gourdin, Griffin, Grosvenor, Hall, Hubbard, Humphreys, Irwin, Johnson of Virginia, Johnson of Kentucky, Kennedy, King of Massachusetts, Law, Lewis, Lyle, Macon, Murfree, Nelson, Newton, Parker, Roane, Seybert, Stanford, Strong, Wilcox, Wilson of Massachusetts, and Wilson of Pennsylvania.

So the bill was passed.*

TUESDAY, January 10.

Sunday Mails.

Mr. FARROW presented a petition from sundry inhabitants of Chester district, South Carolina, remonstrating against the transportation and opening the mail on the Sabbath, which he moved might be committed to the Committee on Post Offices and Post Roads.

Mr. F. said there had been eighty-five petitions on this subject before Congress this session, all of which had been referred to the Postmaster General. Since the first has been so referred, it has been about three months, on which there has been no report made to Congress. I am not, said Mr. F., about to charge that high officer with a neglect of duty, but have stated those facts for a very different purpose. It is for the purpose to inquire whether Congress have properly and constitutionally discharged their duty in respect to those petitions. I contend that they ought to have been referred to the committee to which I have moved this, or to a select committee. To prove this position, I will first draw your attention to the first amendment of the constitution, page twenty-five. Mr. F. read—"Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble,

* It is remarkable that no remedy but that of a National Bank seemed to be thought of, in all this time, as a remedy for the disorders of the currency. The revival of the gold currency was never once hinted at. The exportation of that coin was noticed as an evil, and an act proposed—as vain and delusive as contrary to enlightened political economy—to counteract the evil by prohibition. The appropriate remedy, of correcting the erroneous American standard of that coin, which would not only have stopped the current of gold out, but turned it in, as in 1834, was not suggested. The same of the defaulting banks; the Independent Treasury was not thought of: a National Bank was the only, and the universal, panacea; and so perseveringly adhered to, that, out of the defeat of every plan, a new plan for one immediately arose.

and to petition the Government for a redress of grievances."

The rule or order of the day, page 31, makes it the duty of the Speaker every morning to call on the members of the several States to present any petitions that they may be charged with. As the constitution permits the people to petition you, and the order of the day is to hear them, this does imply an engagement on the part of Congress, that they will redress the complaints of the people or state to them the reason why you reject them. You are the body petitioned, not the Postmaster General, as you are their representatives, and not him. To prove to you that this petition ought to be referred to the Committee on Post Offices and Post Roads, I must bring to your view the standing rule of this House. [Here he read from page 37.] "It shall be the duty of the Committee on Post Offices and Post Roads to take into consideration all such petitions, or matters, or things, touching the post office and post roads, as shall be presented or may come in question, and be referred to them by the House, and to report their opinion thereon, together with such propositions relative thereto, as to them shall seem expedient." There is no rule that authorizes the House to send a petition of the description of the one before you, to the Postmaster General, notwithstanding you have given that direction to eighty-five this session. I believe that they have been thus disposed of in order that the House may not be further troubled with them, which appears to be very well understood by the Postmaster General. Is it, Mr. Speaker, that the subject is not of sufficient importance that you refuse to give those petitions the ordinary and usual course of all other petitions addressed to you? I acknowledge that the scheme contemplated by those petitions is not sanctioned by any law or practice in this Government, or any country or state in Europe. You boast that this is the only free and happy nation—your petitioners wish to add another jewel in your crown, not less bright than the other—that yours is the only virtuous and Sabbath-observing nation. You have set apart the day after to-morrow to be spent throughout the Union in prayer. By your laws, and the rules of the Postmaster General to carry the same into execution, you command many thousands of your citizens, with their horses, to be laboriously employed each and every hour of the day on the next Sabbath, and to spend every Sabbath in the year in the same way. It appears to me that you might as well suspend either the one practice or the other, (stop praying or violating the Sabbath,) unless you are of the opinion that by those laws and rules that you have enacted, you have the power to repeal that decretal order of Heaven that commands you "to keep holy the Sabbath day." You are the best judge of your repealing powers on that subject. It is stated, and so contended, by the honorable gentleman from Rhode Island, (Mr. PORTER,) that it is the work of necessity to carry and open the

mail on the Sabbath. He further observed that if you prevented the opening of the mail on the Sabbath, it would occasion more sin to be committed, as the people would attend at the post offices, and while impatiently waiting there for their letters and papers, by being debarred from obtaining them. I should suppose that if you pass a law to prohibit the carrying or opening the mail on that day, that as your law would be public it would be known to all, therefore they would not go or send to the post offices on that day, as they would know that the mails could not be opened—the postmasters themselves would not attend. In favor of a long-established favorite, national, sinful practice, I know that many excuses and reasons can be given in favor of the continuance of it—but if none better can be given than what that learned gentleman assigned, the Lord have mercy on us!

On great national occurrences, it is now the practice, and properly so, to employ expresses; they are not carried by mails, and it is expedient that they should travel as well on the Sabbath as on other days. But, Mr. Speaker, I am not able to see the necessity for the transportation and opening the mails on the Sabbath; and conscious of my high responsibility to God, as well as to my country, for my public acts, I am not willing to take it on myself to fly in the face of divine law. I do, therefore, most solemnly disavow and condemn the practice of the transportation and opening the mails on that holy day, believing it to be unnecessary, inadmissible, and wicked.

After the motion was negatived, and the petition referred to the Postmaster General, Mr. F. offered for consideration the following resolution:

"Resolved, That the Committee on the Post Offices and Post Roads be authorized and required to examine into the propriety of submitting to the consideration of this House a law prohibiting the Postmaster General from making any contracts, in future, for the transportation or opening of the mails on the Sabbath, and that they have leave to report by bill or otherwise."

Mr. F. observed, that if the subject-matter of the resolution was not of sufficient importance to arrest the attention of the House, that any observations he could make would prove ineffectual.

SATURDAY, January 14.

Another member, to wit from Delaware, HENRY M. RIDGELY, appeared, and took his seat.

Relief of New Madrid.

The House resolved itself into a Committee of the Whole on the bill for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes. The bill was reported with several amendments; which were read, and except one, which was disagreed to, were concurred in by the House.

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The bill was then further amended; and a motion was then made, by Mr. McKim, further to amend the bill by adding thereto the following sections:

Be it further enacted, That it shall be lawful for the President of the United States to appoint two disinterested and skilful persons to inquire into and ascertain the damage which has been done by the storm of wind, in the month of August last, to the houses and property of persons residing in the city of Washington. The persons so appointed shall return, under oath, to the President of the United States, a just estimate of the damage sustained in the cases aforesaid.

And be it further enacted, That, for the injury sustained, and the estimates reported by the persons appointed as aforesaid, the sufferers shall receive public land, to be located as is heretofore provided by this act, at the rate of two dollars per acre, as a full compensation for the injuries done as aforesaid.

And the question being taken, it was determined in the negative; and the bill was ordered to be engrossed, and read the third time on Monday next.

TUESDAY, January 17.

Sunday Mail.

THE SPEAKER laid before the House a report from the Postmaster General, on the several petitions which have been referred to him at the present session, remonstrating against the opening or conveyance of the mails on Sundays; which was read, and referred to the Committee on the Post Office and Post Roads.—It is as follows:

GENERAL POST OFFICE, Jan. 16, 1815.

SIR: The Postmaster General, to whom was referred sundry memorials against the usage of transporting and opening the mails on the Sabbath, has the honor to report the following facts and observations:

The usage of transporting the mails on the Sabbath, is coeval with the Constitution of the United States; and a prohibition of that usage will be first considered.

The mail passes every day in the week from Portsmouth, New Hampshire, to Savannah, in Georgia, and from Wiscasset, in Maine, to Scoddie Falls, without rest on the Sabbath. And the same practice prevails on the great route from Washington City to Ohio, Kentucky, and the Missouri Territory; and from that city to Tennessee, Mississippi Territory, and New Orleans; and from Charleston, South Carolina, to Tennessee and Kentucky; and on several other great chains of communication.

If the mail was not to move on Sunday, on the first-mentioned route, it would be delayed from three to four days in passing from one extreme of the route to the other. From Washington City to St. Louis, Missouri Territory, the mail would be delayed two days. From Washington City to New Orleans, the mail would be delayed three days. From New Orleans to Boston, it would be delayed from four to five days. And generally the mails would, on an average, be retarded equal to one-seventh part of the time now employed, if the mails do not move on the Sabbath.

On the smaller cross routes, the transporting of the

mail has been avoided on the Sabbath, except when necessary to prevent great delays, and to preserve connections with different routes.

In relation to opening the mails on the Sabbath, it may be noticed, that the ninth section of the "Act regulating the Post Office establishment," makes it the duty of the postmasters to attend to the duties of his office "every day" on which a mail shall arrive at his office, and at "all reasonable hours" on every day of the week. When a mail is conveyed on the Sabbath, it must be opened and exchanged at the offices which it may reach in the course of the day. This operation, at the smaller offices, occupies not more than ten or twelve minutes; in some of the larger offices, it occupies one hour; and, it is believed, does not very greatly interfere with religious exercises, as to the postmasters themselves.

The practice of "delivering" letters and newspapers on the Sabbath is of recent origin, and directed by the above quoted section, commencing in 1810. Prior to that period, no postmaster (except the postmaster at Washington City) was required to deliver letters and newspapers on the Sabbath. The "reasonable hours" were to be determined by the Postmaster General, who established the following regulations, now existing: "At post offices where the mail arrives on Sunday, the office is to be kept open, for the delivery of letters, &c., for one hour after the arrival and assorting of the mail; but in case that would interfere with the hours of public worship, then the office is to be kept open for one hour after the usual time of dissolving the meetings, for that purpose." Also, if the mail arrives at an office too late for the delivery of letters on Saturday night, the postmaster is instructed to deliver them on Sunday morning, at such early hour as not to entrench upon the hours devoted to public religious exercises. If these regulations are not strictly attended to, it must be imputable to the urgency of applicants, and the complaisance of postmasters.

After the preceding statement, it is to be observed, that public policy, pure morality, and undefiled religion, combine in favor of a due observance of the Sabbath. Nevertheless, a nation owes to itself an exercise of the means adapted to its own preservation, and for the continuance of those very blessings which flow from such observance; and the nation must sometimes operate, by a few of its agents, even on the Sabbath; and such operation may, as in time of war, become indispensable, so that the many may enjoy an uninterrupted exercise of religion in quietude and in safety. In the present state of the nation, it may be supposed necessary, daily, to convey Governmental orders, instructions, and regulations, and to communicate and receive information. If this daily carriage of the mail be, as relates to the safety of the nation, a matter of necessity, it also becomes a work of mercy. When peace shall arrive, the necessity will greatly diminish, and it will be, at all times, a pleasure to this Department to prevent any profanation of the Sabbath, as far as relates to its official authority.

The preceding statement of facts and observations are submitted, with much respect for the memorialists, and with great deference to yourself and the honorable House of Representatives.

RETURN J. MEIGS, JR.

HON. SPEAKER

Of the House of Representatives.

THURSDAY, January 19.

The House resumed the consideration of the report of the select committee on the letter of Patrick Magruder, Clerk of this House, touching the destruction, by the hands of the enemy, of the vouchers for the contingent expenditures of his office; and, after considerable debate, the resolution reported by the committee was amended so as to read as follows, and then agreed to by the House, viz:

Resolved, That Patrick Magruder, Clerk of the House of Representatives, be credited at the proper office in the Treasury Department for the sum of \$30,668 78, and such further sums as he shall exhibit satisfactory evidence of having properly paid for expenditures on account of the contingent expenses of the House of Representatives since his last settlement; and that a copy of this and the former report of the committee be filed in the Auditor's office.

FRIDAY, January 20.

Mr. RHEA, from the Committee on Post Offices and Post Roads, to whom were referred sundry petitions and memorials remonstrating against the usage of transporting the mail on the Sabbath, and the report of the Postmaster General relating thereto, made a report; which was read, and committed to a Committee of the Whole on Monday next. The report is as follows:

"That they have had the same under consideration, and deeming it of great national importance, particularly in time of war, that no delay should attend the transportation of the mail, they deem it inexpedient to interfere with the present arrangements of the Post Office Establishment; and, therefore, submit the following resolution:

"Resolved, That it is inexpedient to grant the prayer of the petitioners."

MONDAY, January 23.

Clerk of the House.

On motion of Mr. CLARK, of Kentucky, the further consideration of the orders of the day was postponed until to-morrow, in order to proceed to the consideration of the resolution for the removal of Patrick Magruder from the office of Clerk of the House of Representatives, and the appointment of a successor.

The House then proceeded to the consideration of the resolution offered on Saturday, by Mr. CLARK, on that subject.

Mr. McKIM moved to postpone the further consideration of the resolution to this day week.

The motion was opposed by Mr. CLARK, Mr. PEARSON, and Mr. OAKLEY, and supported by Mr. MOORE and Mr. EPPES.

This motion was finally decided at a late hour as follows: For postponement 71, against it 71.

The SPEAKER decided the question by an affirmative vote, and the further consideration of the resolution was therefore postponed to this day week.

[The foundation for this motion to oust Mr. MAGRUDER is briefly this: During the late incursion of the enemy, Mr. M. was, on account of

ill-health, at the Springs, and of course, absent from the city, leaving his office in charge of his clerks. The principal clerk being a colonel in the militia, and all the others except one called out in the militia, one of those so in service was, on the near approach of the enemy, permitted to return, and, with the remaining clerk, to attempt the salvation of the records. Many of them, and those the most valuable, were saved by being carried into the country; others, of less importance, were removed into the house formerly belonging to General Washington, which was wantonly destroyed by the enemy. Among the papers left in the Capitol were the vouchers of the contingent expenses of the past year, which, being in a small drawer, were overlooked, and irrecoverably lost in the general conflagration. Soon after the meeting of Congress, in consequence of a letter from Mr. Magruder narrating these circumstances, and inviting inquiry, a committee was appointed to investigate the matter, who reported unfavorably to the clerks as to the exertions made in saving the public papers; and also reported that, out of \$50,000 received on account of contingent moneys, and all of which, except about \$3,000, is alleged to have been expended, vouchers are produced for little more than \$30,000 of the amount, which, or a great part of it, the committee infer has been improperly used. Whereupon, the House resolves that the Clerk shall have credit at the Treasury for all the ascertained expenditures, and such other amount as he shall produce or hereafter obtain vouchers for. It ought to be observed that the contingent fund has always been exclusively under the direction of Mr. Magruder's principal clerk, and it does not appear that Mr. M. himself had any knowledge of its disbursement, considering it as having been duly controlled by the Committee of Accounts. Under these circumstances a motion is made to remove him, on the ground of neglect in confiding these matters to his deputies; which is opposed on the ground of his unimpeachable character and general good conduct. This is believed to be an impartial statement of the case.]

The House adjourned at a late hour.

THURSDAY, January 26.

Mr. Jefferson's Library.

The House proceeded to the consideration of the bill from the Senate authorizing the purchase of the library of Thomas Jefferson.

A motion was made by Mr. LEWIS, that the same be postponed indefinitely. For the motion 69, against it 73.

A motion was then made by Mr. COOPER, of Delaware, to postpone the further consideration of the bill to the 4th day of March next. For the motion 68, against it 74.

The question was then stated on the passage of the bill.

Mr. KING, of Massachusetts, moved to recommit the bill with instructions to a select

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committee to report a new section, authorizing the selection of such of the books belonging to said library as might be necessary or useful to Congress in their deliberations, and to dispose of the remainder at public sale. This motion was negatived—yeas 56.

Mr. KING afterwards moved to recommit the bill to a select committee with instructions to report a new section authorizing the Library Committee, as soon as said library shall be received at Washington, to select therefrom all books of an atheistical, irreligious, and immoral tendency, if any such there be, and send the same back to Mr. Jefferson, without any expense to him. This motion Mr. K. thought proper afterwards to withdraw.

This subject and the various motions relative thereto, gave rise to a debate which lasted till the hour of adjournment; which, though it afforded much amusement to the auditors, would not interest the feelings or judgment of any reader. Those who supported the bill in debate were Messrs. WRIGHT, FISK of Vermont, RHEA of Tennessee, and HULBERT; and those who opposed it were Messrs. KING of Massachusetts, FARROW, CANNON, HANSON, GROSVENOR, PICKERING, and WEBSTER.

Those who opposed the bill, did so on account of the scarcity of money, and the necessity of appropriating it to purposes more indispensable than the purchase of a library; the probable insecurity of such a library placed here; the high price to be given for this collection; its miscellaneous and almost exclusively literary (instead of legal and historical) character, &c.

To those arguments, enforced with zeal and vehemence, the friends of the bill replied with fact, wit, and argument, to show that the purchase, to be made on terms of long credit, could not affect the present resources of the United States; that the price was moderate, the library more valuable from the scarcity of many of its books, and altogether a most admirable substratum for a National Library.

The final question on the passage of the bill was decided in the affirmative. For the passage of the bill 81, against it 71, as follows:

YEAS.—Messrs. Alexander, Alston, Anderson, Barbour, Bines, Bowen, Brown, Butler, Calhoun, Chapell, Conard, Crawford, Creighton, Crouch, Cuthbert, Desha, Duvall, Earle, Evans, Findlay, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Goodwyn, Gourdin, Griffin, Hall, Harris, Hasbrouck, Hawes, Hawkins, Hopkins of Kentucky, Hubbard, Hulbert, Ingersoll, Ingham, Irving, Jackson of Virginia, Johnson of Kentucky, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, Lefferts, Lowndes, Lyle, McCoy, McKim, McLean, Murfree, Nelson, Newton, Ormsby, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Robertson, Sage, Sevier, Seybert, Sharpe, Smith of Pennsylvania, Smith of Virginia, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Williams, Wilson of Pennsylvania, Wright, and Yancey.

NAYS.—Messrs. Archer, Avery, Baylies of Massachusetts, Bayly of Virginia, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caldwell, Cannon, Cham-

pion, Cilley, Clendenin, Comstock, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Davis of Pennsylvania, Ely, Farrow, Geddes, Goldsborough, Grosvenor, Hale, Hanson, Henderson, Howell, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Macon, Markell, Montgomery, Mosely, Oakley, Pearson, Pickering, Pitkin, Potter, John Reed, William Reed, Ridgely, Ruggles, Schureman, Sheffey, Sherwood, Shipard, Slaymaker, Stanford, Stockton, Strong, Stuart, Sturges, Taggart, Tannehill, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Winter, and Wood.

SATURDAY, January 28.

Clerk of the House.

The SPEAKER laid before the House a letter from PATRICK MAGRUDER, the Clerk to the House, resigning his situation as such; which was laid on the table.

MONDAY, January 30.

Election of Clerk.

Mr. JACKSON, of Virginia, moved the following resolution:

Resolved, That this House will proceed on — at — o'clock, to the appointment of a Clerk, in the room of Patrick Magruder, who has resigned that office.

The blanks were filled with the words, "this day, at two o'clock."

The House afterwards proceeded to ballot for a Clerk.

On the second ballot Mr. Dougherty had 88 votes, and Mr. McKenny 78, and four scattering; so Mr. DOUGHERTY was elected.

TUESDAY, January 31.

THOMAS DOUGHERTY, who was, on yesterday, elected Clerk of this House, gave his attendance, and took the oath of office prescribed by the act, entitled "An act to regulate the time and manner of administering certain oaths."

WEDNESDAY, February 1.

Sureties of a Collector.

Mr. EPPES, from the Committee of Ways and Means, made a report on the petition of Solomon Frazer and Mary Eccleston; which was read, and referred to a Committee of the whole House on Saturday next. The report is as follows:

That the following is the statement of facts which must govern the opinion of the House in this case:

James Frazer was appointed collector of the port of Vienna, in Maryland, about the 1st day of April, 1795; and Solomon Frazer and Charles Eccleston, (the latter now deceased, of whom the petitioner, Mary Eccleston, is the personal representative,) became his sureties in a bond to the United States in the penal sum of two thousand dollars. At the end of the year 1795, James Frazer was in arrear, on rendering his accounts to the Government, in the sum of \$350 82; which balance against him continued to

increase from year to year, until the month of June, 1805, about which time James Frazer went out of office, when the sum due from him to the United States was \$3,924 86. No measures were taken by the United States to enforce the payment of the arrears due from James Frazer until June, 1785, (after he was out of office,) when a suit was commenced against him and his sureties. The writ against James Frazer was returned, served at September term, 1807, and judgment was obtained against him at September term, 1808, for the balance of his account. Execution was taken out on this judgment, on the 29th day of June, 1810, by virtue of which James Frazer was imprisoned; and on the 3d day of July thereafter was discharged from his imprisonment, by an order of the Secretary of the Treasury, on the ground of his insolvency. This order of the Secretary was irregular, being granted by him under a mistaken supposition that James Frazer was imprisoned on a judgment obtained on a revenue bond; the law empowering the Secretary to discharge from imprisonment in certain cases not extending to the case of collectors.

It does not appear when the insolvency of James Frazer took place; but it appears that, in February, 1804, he sustained a considerable loss by fire; and that he had property to the amount two or three thousand dollars about the end of the year 1808.

It also appears that a judgment was obtained against Solomon Frazer for the sum of \$2,000, (the penalty of the bond,) before the year 1808, which is still in force. It does not appear that any judgment has been obtained against Charles Eccleston or his personal representative.

On this statement of facts the committee are of opinion that the petitioners are entitled to the relief they ask for; and, therefore, submit the following resolution:

Resolved, That the prayer of the petitions of Solomon Frazer and Mary Eccleston is reasonable, and ought to be granted.*

THURSDAY, February 2.

Payment for Horses Lost, &c.

The following resolution was submitted by Mr. KILBOURN:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of providing, by law, for paying to the mounted volunteers and draughted militia, who have served in the North-western army, under the command of Generals Jackson and Floyd, against the Creek Indians, or to their heirs or assigns, the value of the horses by them lost in said service, in consequence of the men being dismounted or separated from their horses, by order of their respective commanding officers, on any expedition, or in consequence of the riders being killed or wounded in battle, or who have lost their horse or horses while in the service of the United States, by any unavoidable accident, deducting from the original value of such horses, respectively, as were received into the service, the amount which may have

* It was cases of this kind, which became numerous and flagrant, in which disbursing officers were allowed to continue in default until they became insolvent, and their liabilities fell upon securities through the negligence of public officers, giving an equitable claim on Congress for relief, that the four years' limitation act was afterwards passed.

been paid for the use thereof, in any of the cases, prior to the loss of the same as aforesaid.

The House proceeded to consider the said resolution; and, the same being amended, on the question to agree to the same, it passed in the affirmative—yeas 67, nays 49.

FRIDAY, February 8.

Virginia Military Land Claims.

The House resolved itself into a Committee of the Whole, on the report of the Committee of Claims on the petition of Sarah Easton and Dorothy Storer, representatives of Colonel Robert H. Harrison, of Virginia, deceased, who pray for permission to locate a land warrant granted to them by the State of Virginia in consideration of the Revolutionary services of the deceased, on the public lands, a portion of which rightfully belongs, as it is contended, to Virginia for the satisfaction of claims of this character.

[The circumstances of this case are nearly these: Colonel Harrison was one of the best and most approved officers of the Continental army, until after the siege of Yorktown, in the Revolutionary war, in the capacity of aid and secretary to General Washington, whose representatives did not, until 1818, obtain from the State of Virginia a grant of land in consideration of his services; which grant, however, owing to the cession of her land by Virginia to the United States, without sufficient reservation for the satisfaction of military claims, (though such reservation was intended,) is of no present use to them; and they therefore pray permission to locate this warrant on any unappropriated lands of the United States, and also pray compensation from the United States for the services of their deceased father. The committee to whom the petition was referred report, that this case cannot be distinguished from a mass of other claims, barred by the statute of limitations, and therefore ought not to be granted.]

This report was warmly and eloquently opposed by Mr. SMITH, of New York, Mr. JACKSON, Mr. SHEFFREY, and Mr. NELSON, of Virginia, and Mr. McKEE, of Kentucky, and advocated by Mr. BOWEN, of Tennessee, Mr. WRIGHT, of Maryland, and Mr. CHAPPELL, of South Carolina.

The debate on the report spread over the whole field of the equitable right of the State of Virginia to claim of the United States the location of her military land warrants on the lands of the United States, seeing that she only of all the States had accepted the invitation of the General Government to cede to them all her public land, reserving only a portion thereof for the satisfaction of claims and donations for military services, which portion had been too small for that object. Those who opposed the report advocated this right; those who supported the report denied the legal or equitable claim of Virginia. Other topics intermingled

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in the debate, arising in a degree from State feelings, but not from any denial of the merits of Colonel Harrison, except by the assertion that there were persons in other States of equal merit, to whom, or to whose representatives, no compensation had been granted for their military services, comparable to that now proposed to be too generously bestowed on the representatives of Colonel Harrison, in preference to the satisfaction of other claimants for Revolutionary services, whose claims were rigorously barred by the statute of limitations. On the other hand, the location of the land warrant granted by Virginia, was claimed as a right growing out of the cession by Virginia to the General Government, with a reservation of a certain tract of land (which had proved insufficient) for the satisfaction of her military land warrants.

The debate resulted in a disagreement to the resolution reported by the Committee of Pensions and Revolutionary Claims, and the adoption of the following in lieu of it:—

Resolved, That so much of the said petition as prays compensation for the extraordinary and valuable revolutionary services of the ancestors of the petitioners, be rejected; and, that so much thereof as prays that a law may pass authorizing them to locate, on the lands of the United States, a warrant lately issued to them by the State of Virginia, for the services aforesaid, is reasonable and ought to be granted."

This resolve having been reported to the House, they adjourned without coming to a decision thereon.

SATURDAY, February 4.

Amy Dardin.

The bill for the relief of Amy Dardin, the representative of David Dardin, deceased, passed through a Committee of the Whole, was widely debated, and at last (for perhaps the twentieth time in one or other branch of the Legislature) ordered to be engrossed for a third reading.—For the bill 69, against it 59.

MONDAY, February 6.

Battle of New Orleans.

Mr. TROUP, of Georgia, from the Committee on Military Affairs, made a report recommending the adoption of the following resolve:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and they are hereby, presented to Major General Jackson, and through him to the officers and men under his command, for their gallantry and good conduct, in defeating the enemy before the city of New Orleans, in successive battles fought on the 28d of December, 1814, and 1st and 8th of January, 1815; in which a British veteran army, formidable in number as in discipline, commanded by renowned Generals, was thrice beaten and driven back with great loss, and in the battle of the 8th of January, with immense slaughter, by a militia force hastily collected to the defence of that

city, aided by a small body of regular troops; thus illustrating the patriotic defence of the country with brilliant achievement, and signaling the Americans by steady perseverance, incessant vigilance, patient suffering, undaunted firmness, and in victory moderation and clemency: And that the President of the United States be requested to cause a gold medal to be struck, with suitable emblems and devices, and presented to Major General Jackson, in testimony of the high sense entertained by Congress of events so memorable and of services so eminent.

The resolution was twice read, and referred to a Committee of the Whole.

TUESDAY, February 7.

Pay of the Members.

Mr. SHIPARD, of New York, submitted for consideration the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of providing for the making a reasonable compensation to the members of both Houses of Congress for travelling to and from Congress, and attendance thereon, respectively; that they report thereon by bill or otherwise; and that the committee embrace in such inquiry the present session.

Mr. PEARSON inquired the object of this motion, and the grounds for it.

Mr. SHIPARD said he should have supposed his honorable friend understood his own interest sufficiently not to have required any explanation on this head. Congress having the right to regulate their own pay, in the same manner as the compensation of other officers of the Government, they ought to render to themselves that justice which they feel bound to do other officers of the Government. He need not, he said, tell the House that the pay now received by the members was not half what its value was when that pay was fixed; more particularly when it was considered that the paper with which the members were paid, was full twenty-five per cent. below par or the value of specie. His object was so to augment the pay of the members as to make it equal to six dollars of that medium in which members formerly received their pay.

Mr. RHEA, of Tennessee, said he did not conceive this the proper time to enter into the consideration of this subject. He thought gentlemen should let the nation get through the war before they increased their pay.

Mr. FARROW was opposed to the motion throughout, on principle, and denied the alleged depreciation of money, which he said was very gladly received in payment, in dealings of any sort, in the District.

Mr. SHIPARD, in support of his first observation, said, that it was as obvious that all our paper was depreciated, as that the Continental money was depreciated. He had no fastidious delicacy about him, which would prevent him from doing justice to himself. If payment could be obtained in specie, it would be a good argument against the proposed motion; but it was

notorious that for specie they must pay a discount of twenty-five per cent. on the paper which they received for their pay.

Mr. RHEA said that every member knew, when he was chosen, what compensation he was to expect, and had no right to complain of it. He required the yeas and nays, that he might at least record his vote against the motion.

Mr. HALL, of Georgia, observed, if the object of the gentleman was, as he had avowed, to give to the members a compensation adequate to their services, he would recommend to him to depreciate their pay instead of increasing it, for he was confident the acts of Congress had depreciated as much as the paper of which the gentleman had spoken.

The question on the adoption of the motion was decided in the negative, by yeas and nays, as follows: For the motion 8, against it 99.

[Those who voted in the affirmative were Messrs. BOYD, DAVIS of Massachusetts, FISK of Vermont, GROSVENOR, HOPKINS of Kentucky, SHIPARD, STURGEON, and THOMPSON.]

Public Buildings.

The House then, on motion of Mr. LEWIS, resolved itself into a Committee of the Whole on the bill from the Senate making an appropriation of five hundred thousand dollars, for repairing or rebuilding the public buildings in the city of Washington. [The money is to be borrowed of banks or individuals within the District, at six per cent. interest, for rebuilding or repairing the Capitol, President's House, and public offices, on their present sites.]

A debate arose on this bill which occupied the remainder of the day's sitting.

The advocates of the main object of the bill were, Messrs. LEWIS, FISK of Vermont, RHEA of Tennessee, INGERSOLL, WRIGHT, GROSVENOR, DUVALL, BOWEN, McKIM, SHIPARD, HAWKINS, and PEARSON; its opponents, Messrs. ALSTON, FARROW, and WEBSTER. Of those who advocated the bill, there were several (Messrs. INGERSOLL, GROSVENOR, DUVALL, and SHIPARD) who have been in favor of the removal of the Seat of Government; but, considering the question as settled by the votes in both Houses, desired now to see the city rebuilt and beautified.

The debate was not so much on the expediency of rebuilding or repairing the public buildings, as on the mode of doing it.

Mr. GOLDBOROUGH moved to strike out from the bill the "President's House," so as to confine the repairs to the Capitol and public offices, with a view to leave the repair of the President's House to times of more leisure and tranquillity than the present, and also with a view to a future concentration of the public buildings.

This motion, after debate, was negatived by a large majority.

Mr. GROSVENOR then moved an amendment, the object of which was, to cause the public offices to be removed to the public grounds on Capitol Hill, near the Capitol. This motion, after debate, was agreed to, 66 to 56.

The committee then rose and reported the amendments to the House; and the House forthwith adjourned.

WEDNESDAY, February 8.

The Reward of Valor.

Mr. TROUP, from the Committee on Military Affairs, reported the following resolutions, the adoption of which is recommended by the said committee, viz:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, requested to cause a monument to be erected at a suitable place, and with a suitable inscription, in testimony of the high sense entertained by Congress of the military virtues of the late Brigadier General Pike, who, gallantly leading a column to the attack of York, in Upper Canada, fell, in the arms of victory, on the 27th April, 1812, terminating gloriously a life devoted to his country, and leaving behind him an honorable example of enterprise, perseverance, and contempt of death, for the imitation of the American soldier.

2. *Resolved,* That the thanks of Congress be, and they are hereby, presented to Major General Harrison and to Governor Shelby, and through them to the officers and men under their command, for their gallantry and good conduct in defeating the combined British and Indian forces under Major General Proctor, on the Thames, in Upper Canada, the 5th of October, 1813, capturing the entire British army, with their baggage, camp equipage, and artillery; and that the President of the United States be requested to cause gold medals to be struck, emblematical of this triumph, and presented to General Harrison and Governor Shelby.

3. *Resolved,* That Congress entertain a high sense of the gallantry and good conduct of Lieutenant Colonel Beatty, and the officers and men under his command, in repulsing, with inferior numbers, the combined attack of a British land and naval force on Craney Island, on the 22d of June, 1813; and that the President of the United States be requested to present an elegant sword to Lieutenant Colonel Beatty.

4. *Resolved,* That Congress entertain a high sense of the merit of Colonel Croghan, and the officers and men under his command, for the gallant defence of Fort Stephenson, on the Lower Sandusky, on the 1st and 2d of August, 1813, repelling with great slaughter the assault of a British and Indian army much superior in number; and that the President be requested to present an elegant sword to Colonel Croghan.

5. *Resolved,* That the President of the United States be requested to cause a monument to be erected, at a suitable place and with a suitable inscription, to the memory of Brigadier General Covington, who, gallantly leading up his troops to a successful charge, fell in the battle of Williamsburg, in Upper Canada, on the 11th November, 1813.

6. *Resolved,* That the thanks of Congress be, and they are hereby, presented to Major General Jackson, and to Brigadier Generals Floyd and Coffee, and through them to the officers and men under their command, for their gallantry and good conduct in the campaign against the Creek Nation of Indians in the Winter of 1813-'14, defeating formidable tribes of savages in successive battles, fought with great ob-

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stinacy, and finally subduing them to terms of peace; and that the President of the United States be requested to cause gold medals to be struck, with suitable emblems and devices, and presented to Major General Jackson, and Brigadiers Floyd and Coffee.

7. *Resolved*, That Congress entertain a high sense of the merit of Lieutenant Colonel Armistead, and the officers and men under his command, in their late gallant and successful defence of Fort McHenry against the attack of a formidable British squadron; and that the President of the United States be requested to present an elegant sword to Lieutenant Colonel Armistead.

8. *Resolved*, That Congress entertain a high sense of the merit of Major Lawrence, and the officers and men under his command, in their late gallant defence of Fort Bowyer, repelling with inferior numbers, and with great slaughter, the combined attack of a British land and naval force, aided by a body of savages; and that the President of the United States be requested to present an elegant sword to Major Lawrence.

The resolutions were twice read, and referred to a Committee of the Whole.

Public Buildings.

The House resumed the consideration of the report of the Committee of the Whole, on the bill for making appropriations for repairing or rebuilding the public buildings in the city of Washington.

That amendment being under consideration which requires the public offices to be built on Capitol Hill—

Mr. LEWIS, of Virginia, rose and said, that he hoped the House would not concur in the amendment made in Committee of the Whole. After the lengthy discussion of this subject yesterday, it was with extreme reluctance that he again obtruded himself upon the patience of the House; but the deep stake which the State he had the honor to represent, in part, had in its decision, he trusted would be a sufficient apology.

Mr. L. said, that since yesterday, he had been enabled to fortify the opinions he had advanced in opposition to the amendment, by an authority which ought to be revered by all. He had obtained the correspondence between General Washington, then President of the United States, and Mr. Adams his successor, and the commissioners for the city, upon the subject of the location of the public offices, which he would take the liberty of reading. He then read a letter from Mr. White, one of the commissioners, who stated "that in a conversation with General Washington, upon the subject of the location of the public buildings, the General was decidedly of opinion, that the offices of the different departments should be as convenient to the President as possible, and that it was unnecessary, for any public convenience, that they should be contiguous to the Legislative Hall; indeed, that the officers had complained to him, when in Philadelphia, that it was impossible to attend to their public duties from the constant calls of the members, and

that they were obliged to deny themselves." He also read a letter from the commissioners of the city to General Washington, at Mount Vernon, requesting him to fix on the sites for the public offices, and his answer, fixing a day for that purpose—and a letter from Mr. Adams, ratifying and confirming the acts of the commissioners in fixing the sites of the public offices under the direction of General Washington.

Thus then, said Mr. L., we have not only the opinion of that illustrious man, as to the most proper sites for the public offices, but we have evidence that ought to satisfy the most incredulous, that he actually came upon the ground, and marked the very spots upon which the buildings were to be placed, and these acts were officially confirmed by his successor, Mr. Adams. But my honorable friend from New York (Mr. GEORVENOR) has said, that General Washington had been teased and importuned by those interested, into the location he had made. Sir, said Mr. L., my honorable friend can know little of the character of that great man, if he believes there existed a being who dared approach him in that way. No, sir, as soon would he attempt to grasp the forked lightning, as to intimate a wish that he would swerve from his public duty.

There were many considerations, said Mr. L., why no changes ought to be made in the present plan of the city, or of the sites for the public buildings; and that which operated most irresistibly with him was, that it was a plan sanctioned by that great and good man, whose name it bears. Sir, said Mr. L., what that man has done, let no mortal attempt to undo. His ways are not to be mended by man. This House is not competent to do it. He considered the two public edifices, the foundation stones of which our ever to be revered hero, statesman, and patriot, laid, as permanently fixed, by public faith; particularly as maps were distributed throughout Europe, with the sanction of President Washington, designating the sites of the Capitol, President's House, and other public buildings, and that foreigners had been induced to purchase property, judging of its value from its contiguity to some one of the public edifices as marked upon the map. Change the situation of your city, and they are deceived and injured; hereafter they will have no confidence in your acts. We have been told, that large quantities of our public stock have been lately sent to Holland for sale. Is it to be believed, sir, with a knowledge of what we are about to do, (for it is in that country that our city lots have been sold, and held as security for money borrowed,) that they will trust us for a cent, when every thing which they deemed sacred is thus violated? No, sir, they will not, and I will say, they ought not to trust us. But, sir, if we have no regard to our plighted faith to foreigners, let us at least save our own people. Do not, by this act, ruin thousands of honest, industrious mechanics, who have at very advanced prices purchased and improved lots near the present sites,

under an assurance and firm belief in their permanency. Let us not do an act which will excite distrust abroad and contempt at home.

But, why are gentlemen desirous of removing the offices from their present sites near the President's House, to the Capitol square? It had been shown, he hoped satisfactorily, that their appropriate place was near the President's House, and not the Capitol. The President must necessarily have considerable intercourse with the offices; but he was unable to see the necessity of any personal intercourse between the members of the Legislature and the offices. It is known that all public business between Congress or its members, and the public offices, is done by a resolution of the House, or by letter from any individual member, which is conveyed by a messenger of Congress paid for that purpose.

In addition to the reasons given for a preference of the old sites, there would be a saving of more than one-half of the expense. The committee, to whom this subject was confided, attended personally at the Capitol, and examined the state of that building, when, after a conference, and making such inquiries of an architect on the spot, as was considered proper, they were induced to believe that the walls of both wings of the Capitol might be safely built on, and that the estimated expense of about \$250,000 for repairing the same, was as nearly accurate, as could be reasonably expected. The President's House and the offices were not so particularly examined, but it was the opinion of the committee, that the whole might be repaired for about \$500,000, which would be \$715,110 less than the first cost of those buildings. But, Mr. L. said there was another objection which would be, with him, an insuperable one; and that was, that he would not be compelled by an act of the enemy to abandon, or change in the smallest degree, any of the plans of the public edifices they had destroyed. He would rebuild them precisely on the same ground; not a stone or brick should be changed, but they should be finished in a style of increased magnificence and grandeur. It never should be said, because the enemy had destroyed our Capitol, that Congress were afraid to rebuild it, lest it might again be destroyed. No, let us have another trial, and if we cannot then defend our Capitol, it will be time to put an end to the war in the best way we can. My friend from North Carolina (Mr. GASTON) objects to an appropriation of so much money at a time like this, when the Treasury is bankrupt, our soldiers unpaid, &c., for repairing the public buildings; but he has no objection to double the sum for the purpose of rebuilding on new sites. How inconsistent! The gentleman from North Carolina ought to recollect, that not a cent of this appropriation would come out of the Treasury. The banks of the District had generously and magnanimously come forward and offered to loan the amount wanted upon reasonable terms, for the accomplishment of an

object so interesting to the District; and it was probable that the sales of lots belonging to the public in the city, would furnish money enough to reimburse the loan before it became due. Reject this amendment—pass this bill, which will restore public confidence, and there will be no difficulty in selling, at good prices, the property of the public, which is now worthless. My friend from New Hampshire (Mr. WEBSTER) says, he does not think this a proper time to make an appropriation for building up the Capitol, and recommends that some trifling alterations be made in the present room, which will then answer very well until we have peace. Mr. L. said he congratulated his friend upon the sudden change of his feelings. It was but a few days since, the gentleman could not exist in this confined, inconvenient, and unwholesome room, and nothing but the pure atmosphere of Philadelphia would satisfy him; but now it seems, when it is ascertained he cannot get to Philadelphia, that he is perfectly reconciled with the present room, and thinks it good enough for war times. The gentleman from New Hampshire also complains, that this city is deficient in population, in wealth and commerce, and therefore an improper place for the Seat of Government. If it be true that it is thus deficient, to what, I ask, is it to be ascribed? Let those who, like the gentleman from New Hampshire, are desirous of removing the Seat of Government, answer. It is to the repeated efforts to remove, to retrocede, and to concentrate, which have been alternately made for the last twelve years in Congress, that the population and wealth of Washington have not equalled any other town on the Continent of its age. What prudent man, I ask, would risk his fortune in making improvements in a place, that was every year threatened with destruction, by the very power who ought to foster and protect it? If inconveniences have been felt from the dispersed population of the city and the want of accommodations, those alone are accountable who by their own acts have produced both. The people of this District are political orphans. They have been abandoned by their legitimate parents, and claim protection of us, who are constitutionally bound to protect them; but, instead of extending to them the parental hand of affection and assistance, we cruelly abandon them to their fate. If they ask us for bread, we give them a stone. If they even ask us for justice, we tell them they are rudely importunate. Instead of extending to them the parental hand of affection, we do all in our power to blight and destroy their fair prospects. If we are not disposed to be their guardians and friends, let us at least do nothing to injure them; let them pursue undisturbed their own way, and you will not have to complain of the want of population, wealth, or accommodations in the city. There are few places in the United States possessing greater commercial advantages than Washington; placed at the head of an excellent navigation, supported by an extensive and

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wealthy back country in Virginia and Maryland, and in a climate extremely healthy; if it has but fair play it will soon rival many of the most important towns in the Union, in wealth and population.

The public are greatly interested in promoting the welfare of the city, as it would make very valuable a large property given by the proprietors of the land on which the city stands, which at present is worth nothing. The proprietors of the city gave the land to the public, with an understanding that the sites for the public buildings should remain unchanged; therefore the present alteration would be unjust as to them. The States of Virginia and Maryland have both a deep stake in the permanency of the seat of Government. Virginia made a donation of \$120,000, and a cession of a moiety of ten miles square of her territory, including a town which was the pride of the State. Maryland made a donation of \$75,000, and a cession of a moiety of ten miles square of her territory, including a town, second to one only in the State; and these States will not view with complacency any act which may have a tendency to jeopardize the Seat of Government.

All the country within fifty miles of the Seat of Government, both in Virginia and Maryland, are greatly interested in the welfare of the city, and representing, as I do, an adjoining district, whose property would diminish at least 50 per cent. in value, if the Government is removed, I trust I shall be excused for the solicitude I have manifested, and the time I have occupied in the discussion.

The amendment was also opposed by Messrs. MASON, FORSYTH, and others, and advocated by Messrs. GROSVENOR and WRIGHT.

The question having been taken after much debate, by yeas and nays, was decided—for the amendment 55, against it 77.

The effect of this decision is that the public offices shall be rebuilt on their old sites.

Mr. BIGELOW moved to amend the bill so as to require the President, previously to expending the money to be appropriated, to cause to be laid before Congress a plan and estimates for the buildings; by which, he believed, one-half of the expense might be saved.

This motion was opposed as unnecessary, by Mr. LEWIS, and negatived—yeas 39.

Mr. FARROW assigned the reasons why he should vote against the bill; not because he was against rebuilding, but because of the great scarcity of money in the Treasury.

Mr. STANFORD moved to recommit the bill, with instructions to make some report as to concentration, and the manner and method of executing the provisions of the bill.

This motion was opposed by Mr. LEWIS, and negatived—ayes 44.

The question on ordering the bill to be read a third time, was then decided in the affirmative.

THURSDAY, February 9.

Public Roads.

Mr. LATTIMORE, from the committee appointed to inquire into the expediency of repairing and keeping in repair the road from Nashville to Natchez, as also the road from Fort Hawkins in Georgia, to St. Stephen's in the Mississippi Territory, delivered in a report, accompanied by a bill making an appropriation for repairing the road from Nashville to Natchez; which was read twice and committed. The report is as follows:

It appears, by a treaty concluded with the Choctaws on the 25th October, 1801, and another with the Choctaws on the 17th December, in the same year, that the consent of these Indians was obtained to the opening of a wagon road through their respective lands; and by an act of Congress of the 21st April, 1806, that six thousand dollars was appropriated to this purpose; which was effected, as provided by those treaties and this act, under the direction of the President of the United States. It appears also by a treaty with the Creek Indians, concluded on the 14th November, 1805, that the United States have a right to a horse-path through their lands; and, by the act above mentioned, that six thousand dollars was appropriated for the purpose of opening a road from the frontier of Georgia, on the route from Athens to New Orleans, as far as the thirty-first degree of north latitude; which was likewise effected, as provided, under the direction of the President of the United States.

Although the country through which these roads respectively pass is, naturally, as convenient for the purposes of transportation and intercourse as any other parts of the United States, yet considering its great extent, it is not presumed that the appropriations heretofore made could have been considered as adequate to any other object than that of merely opening the roads. The necessary bridges over the streams, and the necessary causeways through the swamps on these extensive routes, would in the opinion of your committee require of themselves larger sums than those mentioned above.

Your committee deem it wholly unnecessary to offer any general remarks to show the great national advantages of an easy and certain intercourse between distant parts of the United States. The sense of Congress on this subject is already well ascertained, from the large and liberal appropriations bestowed on the great Western road from the Potomac to the Ohio River. Without entering into comparisons as to which parts of the Union most require the provident attention of Government, in relation to this subject, it appears to your committee that the improvement of the roads in question, under the direction and at the expense of the National Government, is at all times recommended by a consideration of the importance of the country to which they lead, as well as the want of both authority and means to make it in the territory through which they pass. At this time the subject is rendered unusually interesting, from the efforts of the enemy to seize upon the emporium of an immense country, as well as other positions in the same quarter of less, though great importance to the United States. So long as the war continues, New Orleans and other adjacent parts will be liable to invasion, and will of course require no inconsider-

able force for their defence. During such a state of things, it is highly desirable—indeed necessary—that good roads should facilitate the transmission of intelligence as well as the march of troops and the transportation of supplies, when a passage by water may be too hardy or wholly impracticable.

The improvements of these roads being deemed expedient by your committee, the next inquiry is in what way can this end be best obtained? How far it might be proper to effect this purpose by the incorporation of a turnpike company, your committee are not prepared to say. Several objections have presented themselves in considering such a plan; but whether, under other circumstances, it would be advisable or not, its slow execution would necessarily defer the advantages which, in the present state of affairs, it is desirable promptly to enjoy. As the immediate interest of the public is the particular consideration which induces your committee to recommend the improvement of these roads, and as they believe that it cannot be so well promoted in any other way as by a special appropriation, they have prepared a bill for the purpose of improving the road from Nashville to Natchez, which they ask leave to report.

Public Buildings.

The bill from the Senate making an appropriation for rebuilding or repairing the public buildings in the city of Washington was read a third time.

After much zealous debate, the question was then taken, "Shall the bill pass?" and passed in the affirmative—yeas 78, nays 63, as follows:

YEAS.—Messrs. Alexander, Anderson, Archer, Avery, Barbour, Bard, Barnett, Bayly of Virginia, Bines, Bowen, Breckenridge, Burwell, Calhoun, Champion, Clendenin, Crawford, Creighton, Culpeper, Cuthbert, Duvall, Earle, Evans, Findlay, Fisk of Vermont, Fisk of New York, Forsyth, Franklin, Gholson, Goodwyn, Gourdin, Hall, Harris, Hasbrouck, Hawes, Hawkins, Hopkins, Hubbard, Hungerford, Ingersoll, Jackson of Virginia, Johnson of Kentucky, Kennedy, Kent of Maryland, Kerahaw, Kilbourn, King of North Carolina, Lefferts, Lewis, Lowndes, Lyle, Macon, McCoy, McKim, McKee, Moore, Nelson, Newton, Ormsby, Pearson, Pickens, Pleasants, Rhea of Tennessee, Rich, Ringgold, Roane, Sage, Sevier, Seybert, Sharpe, Shipard, Smith of Pennsylvania, Smith of Virginia, Stuart, Sturges, Telfair, Troup, White, Wood, and Yancey.

NAYS.—Messrs. Alston, Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Brigham, Brown, Butler, Cannon, Cilley, Cox, Crouch, Davenport, Davis of Massachusetts, Desha, Ely, Eppes, Farrow, Gaston, Goldsborough, Grosvenor, Henderson, Humphreys, Hulbert, Ingham, Irwin, Jackson of Rhode Island, Kent of New York, Kerr, King of Massachusetts, Law, Lovett, Markell, Mosely, Oakley, Pickering, Piper, Potter, John Reed, William Reed, Rea of Pennsylvania, Ruggles, Schureman, Slaymaker, Smith of New York, Stanford, Strong, Taggart, Taylor, Thompson, Udree, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, Wilcox, Williams, Wilson of Massachusetts, Wilson of Pennsylvania, Winter, and Wright.

FRIDAY, February 10.

Treasury Notes.

The House, on motion of Mr. EPPES, resolved

itself into a Committee of the Whole, Mr. BRECKENRIDGE in the Chair, on the bill to authorize the issuing of Treasury notes, for 1815.

The bill was, on motion of Mr. EPPES, so amended as to provide for issuing Treasury notes to an amount not exceeding twenty-five millions of dollars; such of the notes as are of less amount than one hundred dollars, to be transferable by delivery, (without endorsement,) and all notes of one hundred dollars or upwards, to bear an interest of five and two-fifths per cent.; the notes of the first description, in amounts of one hundred dollars and upwards, to be payable or redeemable in public stock to bear an interest of eight per cent.; those of the latter description to be payable or redeemable in public stock to bear an interest of seven per cent.

The bill as first reported, proposed an issue of fifteen millions of notes, redeemable in five annual instalments of three millions each, as proposed by the Secretary of the Treasury, for which the land tax was pledged. Connected with this plan, was the intention to propose a loan of twenty-five millions of dollars. The amendments last reported by the financial committee, are connected with a proposed loan of fifteen millions, thus reversing the proportion of loan and Treasury notes first proposed.

It was stated by Mr. EPPES, that the committee had, on further consideration, deemed a loan to so large an amount as of questionable practicability, and had therefore determined to increase the issue of Treasury notes, and proportionably reduce the loan, and therefore proposed the amendments which were now made to the bill.

The amendments having been reported to the House, were agreed to without debate or opposition; and the bill was ordered to be engrossed for a third reading to-morrow.

MONDAY, February 13.

Bank of the United States.

A message from the Senate announcing the passage of a bill to incorporate the subscribers to the Bank of the United States of America, was brought up, and the bill read a first and second time.

Mr. SHARPE moved to refer the bill to a select committee, with the following instructions:

1. To strike out all that part of the bill that allows fifteen millions of dollars of the capital of said Bank to be paid in six per cent. stock of the United States heretofore created and now in the hands of stockholders; and then amend the bill so as to allow the Government to take the said fifteen millions on their account.

2. That all the Government subscriptions shall be paid at five per cent. interest.

3. That the Government shall have a number of Directors in the said Bank equal to the proportion it may have of the capital of the Bank; who shall be appointed by the President of the United States.

4. That so long as the Bank shall not be required to pay specie for its notes or bills, or after having

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commenced paying of specie, shall from any cause stop the payment of the same, the Government shall not be required to pay to the Bank a higher rate of interest on any loans to Government, either as permanent loans or in anticipation of taxes, than four per cent.

5. That the Bank shall not be allowed to sell or transfer any part of the Government stock that it may acquire by permanent loans to Government, until the end of one year after the war.

Mr. CALHOUN, in a pithy speech of moderate length, expressed himself in favor of commitment, though friendly only to two of the proposed instructions, viz: the reduction of the interest on loans to the Government, and striking out the old stock. He assigned the reasons also why the plan of a bank now before the House did not meet his approbation.

Messrs. HAWKINS, WRIGHT, RHEA, and FORSYTH, further opposed the commitment, and Messrs. OAKLEY, BOWEN, and GASTON, advocated it.

The question on Mr. SHARPE's motion having been divided, the question on reference to a select committee was taken separately from the instructions proposed to be given to the committee; and—

On the question of commitment, the vote stood, by yeas and nays, for commitment 75, against it 80.

Mr. GASTON then moved to refer the bill to a Committee of the Whole; which motion was decided as follows: For the motion 70, against it 84.

Mr. SHARPE then moved to amend the bill by striking out so much as allows the subscription of stock heretofore created.

This motion was supported by Mr. DUVALL, and opposed by Messrs WRIGHT and HUMPHREYS; and was negatived by yeas and nays. For the motion 72, against it 82.

Mr. SHARPE further moved to amend the said bill by striking out of the 4th line of the 12th rule for the regulation of that institution, the word "six," and inserting in lieu thereof the word "four," being the maximum rate per centum per annum, at which the said institution may charge the Government upon loans.

And the question being taken thereon, it was also determined in the negative—yeas 74, nays 77.

WEDNESDAY, February 15.

Mr. WRIGHT, of Maryland, rose to make a motion. Believing, he said, that the war was about to receive a termination,* he felt it a duty to those brave patriots who, by their exertions, had placed the character of the country so high that we should never again be disturbed by any foreign power, unless unhappily intestine division should afford an opportunity to an enemy, to move the following resolution, with a view to redeem the national

pledge to those who had enlisted under the banners of their country to defend its soil and enforce its rights. He therefore moved—

"That a committee be appointed to inquire into the expediency of laying off as much of the public lands as shall be necessary to satisfy the claims of the Army of the United States, and of fixing the location thereof."

Mr. W. said he should not press the consideration of this motion to-day, but call for it on some future day.

Mr. NEWTON, of Virginia, offered for consideration the following resolution, which, he said, would speak for itself, and preclude the necessity of any elucidatory remarks:

Resolved, That the President of the United States be requested to cause to be laid before this House such information as he shall deem necessary to be communicated, touching the state of the relations existing between the United States and the Barbary Powers."

The resolution was agreed to *nem. con.*, and a committee appointed to lay it before the President.

TUESDAY, February 16.

Defence of New Orleans.

The resolutions from the Senate expressive of the thanks of Congress to General Jackson and the troops under his command, for their gallantry in defence of New Orleans, were twice read and amended.

On the question of ordering these and the subsequent resolves to a third reading—

Mr. TROUP, of Georgia, said, that he congratulated the House on the return of peace; if the peace be honorable, he might be permitted to congratulate the House on the glorious termination of the war. He might be permitted to congratulate them on the glorious termination of the most glorious war ever waged by any people. To the glory of it General Jackson and his gallant army have contributed not a little. I cannot, sir, perhaps language cannot do justice to the merits of General Jackson, and the troops under his command, or to the sensibility of the House; I will therefore forbear to trouble the House with the usual prefatory remarks; it is a fit subject for the genius of Homer. But there was a spectacle connected with this subject upon which the human mind would delight to dwell—upon which the human mind could not fail to dwell with peculiar pride and exultation. It was the yeomen of the country marching to the defence of the city of Orleans, leaving their wives, and children, and firesides at a moment's warning. On the one side, committing themselves to the bosom of the mother of rivers; on the other, taking the route of the trackless and savage wilderness for hundreds of miles. Meeting at the place of rendezvous—seeking, attacking, and beating the enemy in a pitched battle—repulsing three desperate assaults with great loss to him—killing, wounding, and capturing more than four thousand of his

* A treaty of peace had arrived, unheralded by any promise, taking the country by surprise.

force—and finally compelling him to fly, precipitately, the country he had boldly invaded. The farmers of the country triumphantly victorious over the conquerors of the conquerors of Europe. "I came, I saw, I conquered," says the American husbandman, fresh from his plough. The proud veteran who triumphed in Spain, and carried terror into the warlike population of France, was humbled beneath the power of my arm. The God of Battles and of Righteousness took part with the defenders of their country, and the foe was scattered before us as chaff before the wind. It is, indeed, sir, a fit subject for the genius of Homer, of Ossian, or Milton.

That militia should be beaten by militia is of natural and ordinary occurrence; that regular troops should be beaten by militia is not without example; the examples are as numerous, or more numerous in our own country, than in any other; but that regular troops, the best disciplined and most veteran of Europe, should be beaten by undisciplined militia with the disproportionate loss of a hundred to one, is, to use the language of the commanding General, almost incredible. The disparity of the loss, the equality of force, the difference in the character of the force, all combine to render the battle of the eighth of January at once the most brilliant and extraordinary of modern times. Nothing can account for it but the rare merits of the commanding General, and the rare patriotism and military ardor of the troops under his command.

Glorious, sir, as are these events to the American arms, honorable as they are to the American character, they are not more glorious and honorable than are the immediate consequences full of usefulness to the country. If the war had continued, the men of the country would have been inspired with a noble ardor and a generous emulation in defence of the country; they would have struck terror into the invader, and given confidence to the invaded. Europe has seen that, to be formidable on the ocean, we need but will it. Europe will see that, to be invincible on land, it is only necessary that we judiciously employ the means which God and nature have bountifully placed at our disposal. The men of Europe, bred in camps, trained to war, with all the science and all the experience of modern war, are not a match for the men of America taken from the closet, the bar, the court-house, and the plough. If, sir, it be pardonable at any time to indulge these sentiments and feelings, it may be deemed pardonable on the present occasion.

I think the resolution of the Senate defective; it does not record the prominent fact which, more than any other, contributes to the brilliancy of General Jackson's triumph—the fact that the triumph was the triumph of militia over regular troops; on the contrary, it is so worded, that strangers or posterity, deriving their knowledge from the record itself, would be led to believe that the regular troops constituted the principal force, and that the militia

was only auxiliary. If the House should consider the defect as important, I would move to amend the resolution.

Mr. ROBERTSON spoke as follows:

Mr. Speaker, representing alone on this floor an interesting part of our country, saved by heroism unmatched from horrors which cannot be described, I shall be excused for expressing my admiration of General Jackson, his great achievements, and the splendid battles which we now commemorate.

Permit me, too, sir, to avail myself of this occasion to pour forth the gratitude with which I am impressed, not only for the protection of Louisiana, but for the opportunity which has been afforded her citizens of displaying a zeal, a patriotism, and a unanimity which command the applause of an admiring nation.

Scarce three months are past, since a mighty armada, with troops accustomed to victory, the well-fleeced myrmidons of sanguinary European wars, with others collected in the West India Islands, from their description intended to produce terror, led on by chiefs whose fame had filled the universe, directed its course across the Atlantic, with a view to desolate a distant portion of our country. They calculated on an easy conquest; never were hopes more confident—never were hopes more effectually blasted.

Pursuing their insidious system, they issued proclamations and sent forth emissaries, to corrupt the unwary and excite disaffection. They offered to those who should be weak enough to confide in their perfidious promises, protection and liberty under a British constitution. Insolent thought! To whom were those offers addressed? To Americans, who themselves, or whose fathers had once before chased them from their shores covered with disgrace and overwhelmed with dismay. To whom were they addressed? To the natives of Louisiana—to Frenchmen and their descendants. The English dared to speak to them of peace and fraternity, holding in their hand a sword reeking, as it had reeked for centuries, with the blood of Frenchmen.

Hasty levies of half-armed, undisciplined militia, from the interior of our vast continent, from the banks of the Tennessee, the Cumberland, and the Ohio, traversing wide and trackless regions, precipitate themselves to the scene of conflict, resolute to defend their distant brethren from the dangers with which they were menaced. There the hardy sons of the West, with the yeomanry of the adjacent territory and the invaded State, with a handful of regulars and a few armed vessels, constituted that force from which the tremendous armament of our enemy was to experience the most signal overthrow the world has ever witnessed. But Jackson was their leader, and though inexperienced in scientific warfare, they were animated by something more valuable than discipline, more irresistible than all the energy which mere machinery can display; they were animated by patriotism—by that holy enthusiasm

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which surmounts all difficulties and points the way to triumph. Happy if a parallel to their conduct may be found, it must be looked for in the achievements of those who like themselves fought for the liberties of their country. History records, to the consolation of freemen, that the Poles, unarmed and ignorant of tactics, beat the veteran troops of Frederick and Catharine in many pitched battles, never less than three times their numbers—but their leader was Kosciusko. In the early stages of the revolution, the peasantry of France, under Custine and Dumourier, repulsed from their soil the disciplined thousands of the Duke of Brunswick; but it was not the Poles nor the Frenchmen—it was love of country—it was the cause.

Foiled in their attempt to disseminate distrust and treachery, they now prepared to take by force what fraud had failed to secure.

The defence of Fort Bowyer, the battle of their hundred well-manned barges with five of our gun-boats, were a foretaste of what they were further to expect. But, flushed with thoughts of the full fruition of their hopes, they pushed forward to seize the prize just presented to their grasp. They passed unseen through narrow defiles and deep morasses; evaded the natural defence of the State, and found themselves quietly posted on the fertile banks of the Mississippi, in full view of the alluring metropolis of Louisiana, where they had been promised plunder without check, and riot without restraint.

Among the wonderful occurrences of that eventful period, the simultaneous arrival at the same distant point of the brave defenders of their country and the daring invader, cannot be considered less miraculous. Confident in its strength, and contemptuous of its foe, the veteran army was unprepared for the reception that awaited it. Suddenly and fiercely attacked, panic-struck at the unlooked for blow, they were defeated by half their number of raw American troops. This was conclusive. Their subsequent conduct exhibited little else than a tissue of blunders and misfortunes, or of courageous efforts which recoiled with ruin on themselves.

At length the time arrived which was to witness the most extraordinary event recorded in military annals. On the 8th of January, a day destined to form an era in history, this army of invincibles, led on by gallant chiefs, advanced to the charge with firm step, according to methods most approved—trenches hastily thrown up, defended by what they considered a mob, a vagabond militia, promised an enterprise destitute alike of hazard and of honor. They were met by an incessant and murderous discharge of musketry and artillery, the whole line was a continued sheet of fire; intrepidity stood appalled—their General slain, the ditch filled, the field strewn with the dying and the dead—a miserable remnant of their thousands fled back to their entrenchments. The battle closed, a battle whose character, from the nature of the troops

engaged and the disparity of loss, is the most wonderful, whose effects are as important as any that was ever fought. And now we are invited to the contemplation of a scene which reflects immortal honor on the inhabitants of New Orleans, and, by contrast, eternal shame on the enemy.

The dead were interred, the agonies of the dying assuaged, the wounded relieved; that property which was to have been given up to plunder was willingly yielded to their wants, and the very individuals, the marked victims of their licentiousness, vied with each other in extending to them every proof of tenderness and humanity.

It was my intention, Mr. Speaker, to have adverted to the manner in which the English have carried on their war, particularly to their views in regard to New Orleans, but peace is this moment announced; I do not wish to mar the feelings which belong to it; if I cannot forget their atrocities, I disdain to triumph over a disgraced and fallen foe. Whilst resuming my seat I take much satisfaction in doing justice to the indefatigable exertions of the Secretary of War. From the time of his taking charge of that Department, and of being apprised of the danger which threatened Louisiana, no efforts were spared, no applications unattended to, which had for their object the protection of that State.

Mr. INGERSOLL said: Mr. Speaker, I regret that these resolutions require any amendment. I am persuaded, however, that their final passage will be unanimous. The House will excuse me, I hope, if I indulge myself in a few observations on this occasion. I speak impromptu, sir, without premeditation—I have found it impossible to think—I have been able only to feel these last three days. The unexpected, the grateful termination of the glorious struggle we have just concluded, is calculated to excite emotions such as can be understood by those only who can feel them. For the first time during this long, arduous, and trying session, we can all feel alike—we are all of one mind—all hearts leap to the embraces of each other. Such a spectacle as that now exhibited by the Senate and House of Representatives of the United States of America was never presented to the world before. While the Senate are ratifying a treaty of peace, the House of Representatives are voting heartfelt thanks to those noble patriots, those gallant citizen soldiers who have crowned that peace with imperishable lustre. The terms of the treaty are yet unknown to us. But the victory at Orleans has rendered them glorious and honorable, be they what they may. They must be honorable under such a termination of the war. Those Commissioners who have afforded us such signal credentials of their firmness heretofore, cannot possibly have swerved. The Government has not betrayed its trust. The nation now cannot be discredited. It has done its duty, and is above disgrace. Within five and thirty years of our national existence, we have achieved a second acknowledg-

ment of our national sovereignty. In the war of the Revolution we had allies—in arms—reinforcements from abroad on our own soil—and the wishes of all Europe on our side. But in this late conflict we stood single-handed. Not an auxiliary to support us—not a bosom in Europe that dared beat in our behalf—not one but what was constrained to stifle its hopes, if it entertained any in our favor. The treaty signed at Paris on the 30th of last May placed us in a situation of the utmost emergency. England had triumphed over France—and she turned upon us with her hands full of the implements of destruction—her heart almost bursting with vengeance and fury—malediction in her manifestoes, subjugation on her sword. We have already voted thanks to those heroes of the North, who, in Canada, faced and broke the spell of English invincibility. From the North the tempest rolled on to this neighborhood. And it was in the midst of the ruins—the cinders—of this Capital, which became the momentary prize of a successful incursion—it was at a period the most awful, under difficulties the most appalling, that preparations were made to meet the final, the concentrated onset at New Orleans—the most remote, the weakest point of our territories—the most vulnerable—the hardest to hold, and the hardest to regain, if once lost. For the capture of that city a most formidable force was embodied. All the disposable troops to be spared by England from Europe, the detachments scattered along our coasts, all the garrisons and troops that could be collected from the West India Islands were concentrated for this last and grand object. The gallant and generous inhabitants of the West flew to arms. It was not their firesides they had to defend. It was in many cases more than a thousand, in all more than five hundred miles from home they were to seek the scene of their exploits. They went with an immortalizing alacrity of patriotism. Every man of them is entitled to a panegyric. There is no distinction but that of rank to be made between them and their wary, their consummate commander. Hardly arrived in New Orleans when the enemy appeared, they instantly attacked him, and in the night time. The result of this immediate intrepidity was their striking a salutary respect into the invaders. The conquerors of Europe sent the flower of their armies, under the most eminent of their commanders, on this expedition. On the 28th December, and the 1st of January, attempts were made to carry the American lines—but without success, without impression. Finding that their men had learned a reluctance to attack from these experiments, the British officers, on the memorable 8th, threw themselves into the front and led on to the charge. It is this that alone can account for the enormous effusion of officers' blood. Not relying on the example thus set, they added, moreover, those enticements, which at Badajoz and St. Sebastians, had seduced the soldiers to success. They offered beauty and booty—in other words, rape and rapine, as the reward of

victory. Thus led and thus invited, the British army made its storm. Their discomfiture is without example. Never was there such a disparity of loss. With the tidings of this triumph from the South, to have peace from the East, is such a fulness of gratification as must overflow all hearts with gratitude to the Giver of all good—to that Being who has saved us from the enemy, who has saved us from all harms. Not to be grateful would be impious—not to triumph, cold and churlish indeed. England has conquered Europe. In the midst of her conquests she is discontented and unhappy. Europe, relieved from French dominion, is already enslaved afresh, cruelly enslaved. Poland, the richest, finest country on that Continent, with a population romantically free and patriotic, is annexed to Russia. After fighting the battles of France for the pay of emancipation, Poland falls under the Russian yoke. Saxony, one of the most ancient and respectable of the sovereignties of Europe, is subjoined as a province to Prussia, the most recent, the most despicable of all the European powers—a kingdom which found a transient consequence in the genius of the great Frederick, which never can be considerable without such a genius to sustain it. The Italians are torn from their homes to serve in Austrian armies. Norway dislocated from Denmark to be forced into the arms of Sweden—France is unsettled—Spain convulsed—Holland swelled into an ephemeral magnitude. What a contrast with this happy, thriving, blessed country! Who does not rejoice that he is not a European? Who is not proud to feel himself an American—our wrongs revenged—our rights recognized? For I repeat, that no matter what the terms of the treaty may be, the effects of this war must be permanently prosperous and honorable. The catastrophe at Orleans has fixed an impress, has sealed, has consecrated the compact beyond the powers of parchment and diplomacy. At sea a tide of triumphs—by land a continent on which the enemy could gain no foothold. Your Navy transcendent in achievements—your Army, at length, equalling your Navy. Mr. Speaker, for the richest Kingdom in Europe I would not exchange my American citizenship; for the most opulent endowment I would not surrender the delight which I derive from the feelings of this moment. Let us then pass, let us vote by acclamation, the thanks of Congress to General Jackson and his companions in victory.

I cannot resume my seat, sir, without a word of merited eulogium on an individual not comprehended in these resolutions, but to whom the nation is greatly indebted for this success. I mean the present Secretary of War. From the monumental dilapidations of this Capital, with enemies to provide against on all quarters, those arrangements were made and those aids afforded by the Government which mainly contributed to the glorious result at Orleans. Jackson, to be sure, and his cohort banded together from all regions by his powerful ascendancy, were the executors—but the able and honest states-

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man, who now holds the War Department, was the author and originator of the preparations. Let us therefore—I hope all will agree to it—let us consider him too in our applause.

The resolutions from the Senate expressive of the high sense entertained by Congress of the patriotism and good conduct of the people of Louisiana and New Orleans during the late military operations before that city, were twice read, and ordered to a third reading.

Mr. ROBERTSON said he was prevented from taking any part in regard to them, by feelings that would be properly appreciated. He would content himself with expressing the high sense he entertained of the very complimentary terms in which his constituents were mentioned. If suspicions had heretofore been indulged in, derogatory to the history of Louisiana, they would no longer exist. If cold calculations had been made of her value and importance in the Union, they would no more be heard.

FRIDAY, February 17.

The Army and Navy.

Mr. JACKSON, of Virginia, submitted the following resolutions for consideration:

1. *Resolved*, That the Committee on Military Affairs be instructed to inquire and report to what extent the Military Establishment of the United States can be reduced consistently with the public interest.

2. *Resolved*, That the said Committee be further instructed to inquire whether any, and if any, what provision ought to be made, by law, for allowing — months' extra pay and a donation in land to the officers of the Army who may be disbanded.

3. *Resolved*, That the said committee be instructed to inquire into the expediency of establishing one or more additional military schools.

4. *Resolved*, That the Naval Committee be instructed to inquire and report to what extent the Navy of the United States on the Lakes can be reduced consistently with the public interest.

5. *Resolved*, That the said committee be further instructed to inquire into the expediency of establishing one or more naval academies.

6. *Resolved*, That the Committee on Foreign Relations be instructed to ascertain and report whether any, and if any, what modification of existing laws are necessary to adapt them to the state of our relations with foreign nations.

Mr. INGERSOLL moved that these resolutions should lie on the table. The consummation of the peace, he said, had not taken place, and it appeared to him, therefore, improper now to enter into a discussion of them.

Mr. CANNON also considered them premature. It would certainly be time enough for the House to act on them when they found the ratification had actually taken place. Before that time, he was opposed to any discussion of the subjects embraced in the resolutions.

Mr. GROSVENOR said, sensible as he was of the force of the motive which has prompted the motion, viz: the brevity of the remainder of the session, yet he considered the motion en-

tirely premature. As individuals, the members of the House knew the fact of a ratification of a treaty of peace; but the nature of the treaty was not known, nor was the fact officially before the House.

The resolutions were ordered to lie on the table.

On the question to print them, there were for printing them 57, against it 58.

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The resolutions expressive of the thanks of Congress to Major General Andrew Jackson, and the troops under his command, for their gallantry and good conduct in the defence of New Orleans, were read a third time.

The resolution expressive of the high sense entertained by Congress of the patriotism and good conduct of the people of Louisiana and New Orleans, was also read a third time.

Mr. ROBERTSON, of Louisiana, expressed in a feeling manner his high sense of the complimentary manner in which his constituents were mentioned in this resolve; and flattered himself they would never forfeit, at any time, the high character they had now acquired.

Mr. SHARPE then rose, and addressed the House as follows: Mr. Speaker, the subject those resolutions present for our consideration, is the most interesting occurrence in the history of our country.

The people of Louisiana, approached by an enemy who suspected their fidelity to their newly adopted Government, and who held out every allurements that could be presented to seduce them from the Union, at this very moment whilst assailed by the blandishments of the enemy, with open arms they received their fellow-citizens who came to their aid, and, by voluntary contributions, furnished every thing necessary to their comfort, while exposed in the open field in defence of their city. Yet their patriotism and humanity are surpassed by their bravery. On the 23d of December, it was a company of Louisianians that penetrated the very centre of the enemy's camp, and made good their retreat, and brought off a number of prisoners. On the 8th of January, the Louisianians aided in defending the breastworks on the right, and when the enemy got possession of one of our bastions, they were among the foremost who met them; and, amidst the clash of swords and bayonets, grappled with them on the ramparts, and bore them into the ditch.

If we compare the conduct of Louisiana with any other part of the nation—even the oldest and best established in their political institutions—so far from losing any thing in the comparison, it is on their part splendid and honorable, and must effectually put down all those feelings of distrust and jealousy that have been entertained in some parts of the Union in relation to their adoption into our Republic.

In another point of view this subject is still more interesting. There is, perhaps, no epoch to be found on the historic page, none in the

history of America, in which we have been called upon to present the thanks of the American people to a whole State. Louisiana, the youngest daughter of the Union, composed of a population most of whom had tasted of liberty but yesterday; it had not been their birthright, but such are the charms of liberty to a people who have felt its blessings and known its value, that, on the approaching of a foe to enslave them, the whole population of Louisiana are bristling with the bayonet; the old men, the ex-empt, are clad in mail, and rushing to meet the foe.

"If humanity shows to the God of the world,
A sight for his fatherly eye,
It is when a people, with banner unfurl'd,
Resolve for their freedom to die."

Such a spectacle was presented by the State of Louisiana. As we are ever to expect, in so just a cause, they received the benedictions of Heaven, and, under its benign influence, aided by their fellow-citizens in arms, they not only triumphed over but almost exterminated their enemy.

Can there be an American, whose bosom does not beat high with joy to call Louisiana a legitimate daughter of the Union, and hail her citizens as brothers?

Is there any part of the American empire that could hesitate ever hereafter to hold Louisiana in the maternal embrace of the nation; to extend to her our care and protection?

The resolutions were then unanimously passed.

The resolution expressive of the high sense entertained by Congress of the merits of Commodore D. T. Patterson, Major Daniel Carmick, and the officers and men under their command, were read a third time, and passed, with *one* negative, (Mr. McKee, of Kentucky.)

Bank of the United States.

The House resumed the consideration of the bill from the Senate, "to incorporate the subscribers to the Bank of the United States of America."

Mr. FORSYTH moved to refer the bill to a select committee.

Mr. LOWNDES superseded this motion, by a motion to postpone the bill indefinitely. He made this motion, not from any hostility to a National Bank, wishing, as the gentleman did, that a National Bank should be established, but because he wished it to be done at a time and under circumstances which would give the House ability to decide correctly on the subject. He believed, he said, and he was not alone in that opinion, that the present moment was a most unfavorable one for the establishment of a bank. It must be known that, long as the subject of a bank had been agitated, there had been important differences of sentiment as to the principles of such an institution, which had been suppressed because of the pressure of the times. Among other objections to acting on this subject at present, he said, it was no trifling

one that the suspension of specie payments by the State banks, which every one considered an evil, would unquestionably be prolonged by it. In the fragment of the session which now remains, there would not be time to enter into a consideration of these points; and, if there were full time, the mere circumstance of the new and almost insuperable difficulties arising from a new state of things which now present themselves, ought to suggest a reason for postponement. Congress could not now establish a bank half so eligible, or half so durable, as they could at a future session.

On the question of postponement, which was decided by yeas and nays, the vote stood—yeas 74, nays 78.

So the bill was indefinitely postponed.

SATURDAY, February 18.

National Observatory.

Mr. NELSON, from the committee to whom was referred, on the second instant, the petition of William Lambert, and other documents relating to the establishment of a first meridian for the United States, made a report; which was read, and the resolution therein contained was amended, and concurred in by the House.

The report is as follows:

That the reasons detailed in the said reports appearing to be well founded, your committee have no hesitation in declaring their full assent to them. It is also the opinion of the committee that the plan proposed by the memorialist ought to be carried into complete effect, whenever attention to objects of a pressing nature and more immediate importance to the welfare of our country will permit, by the erection of a national observatory, and providing suitable instruments and apparatus at the public expense, to enable skilful persons to determine the places of the moon, planets, and other heavenly bodies with sufficient accuracy, by repeated and careful observations of the times of their transit over the meridian of the place.

It further appears that the memorialist has made calculations, in addition to those presented to this House in the month of December, 1809, from data afforded by the occultations of two fixed stars by the moon, which happened in January, 1793, and January, 1813; also, from the external and internal contacts of the sun and moon, in an annular solar eclipse on the 17th of September, 1811, which have all been referred to the Capitol, in the city of Washington; and that the mean result of the longitude is found to be nearly 76° 55' 45", or five hours seven minutes and forty-three seconds in time west of Greenwich observatory, in England.

It has been represented that astronomical calculations subsequent to the close of the year 1812, can be depended upon with greater assurance of the accuracy of their results than before that period, in consequence of the publication and introduction into use of improved solar and lunar tables, constructed by M. de Lambre, of Paris, in France, and introduction into use of improved solar and lunar tables, constructed by M. de Lambre, of Paris, in France, and M. Burg, of Vienna, in Germany. This circumstance will suggest the propriety of authorizing additional experi-

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ments to be made, by approved methods of computation, to test the accuracy of the result found by William Lambert. Under this impression, the committee submit to the House the following resolution:

Resolved, That the President of the United States be requested to cause such further observations to be made by competent persons residing at the seat of the National Government as may be deemed most proper to determine the longitude of the Capitol, in the city of Washington, with the greatest practicable degree of exactness, and that the data, with abstracts of the calculations, and the results founded thereon, be laid before Congress at their next session.

MONDAY, February 20.

*Treaty of Peace.**

A Message was received from the President of the United States, transmitting copies of the Treaty of Peace and Amity between the United States and His Britannic Majesty, which was

* The war was ended, a treaty of peace made, and without any reference in the treaty to the causes which had produced hostilities. But those causes had ceased, and practically the two nations had no longer any thing to quarrel about. The complaints against Great Britain grew out of her assumed rights while in a state of war with others—her depredations upon our commerce being committed as a belligerent right against France; and the impressment of seamen, (limited by the vain claim of taking her own subjects in time of war,) ceasing upon the downfall of the Emperor Napoleon. Peace became easy then under the mediation of the Emperor of Russia, in a contest costly to both, and becoming sanguinary, and in which the people of both countries suffered from interruption to their accustomed trade and intercourse. The treaty was silent upon the causes of the war, but the objects of it were gained, not only practically but substantially, and permanently. It was seen that the United States would fight, and fight well for their rights, both by land and water: it was seen that they had self-respect, and would not suffer themselves to be degraded by submitting to indignities, as well as to injuries: an immense elevation of the national character had been attained as a consequence of the war, and of the courageous manner in which it was fought. These results, with the advancing liberality of the age, and the increased business connections of the people, have answered all the purposes of treaty stipulations—and perhaps better—the old causes of hate and quarrel seeming to be buried and forgotten under the progress of time and the oblivion of silence.

The English historian, Alison, adverting to the silence of the treaty upon the causes of the war—(impressment, and infraction of neutral rights)—calls it an adjournment, and not a settlement, of the difficulties between the two countries—declares it to be a truce, and not a pacification—predicts the speedy renewal of war—and upon the hypothesis of its inevitability, gives detailed instructions, under numerical heads, for rendering it, on the part of Great Britain, short and terrible: devastation his mode. But Alison seems to have been a mistaken, as well as an evil prophet of woe—the result of his high tory principles. Forty years have elapsed since that treaty, and no war yet, nor any present sign of one. To the contrary, every thing announces a long continuance of peace and friendship between the two powers. Close business relations now connect the people in bonds of interest, and intimate social intercourse has obliterated ancient animosities. Not a business man, nor a man regardless of social duty, but desires perpetual peace and friendship between the old mother and the young daughter. En-

signed by the Commissioners of both parties at Ghent, on the 24th December, 1814, and the ratifications of which have been duly exchanged.—The Message was read, and 5,000 copies of the Message and Treaty ordered to be printed. [See Senate proceedings, *ante*, p. 318, for the Message.]

Widow of Elbridge Gerry.

The order of the day having been called for by Mr. FISK, of New York, on the bill from the Senate, "authorizing payment to the widow of Elbridge Gerry, late Vice President of the United States, of such salary as would have been payable to him during the remainder of his term of service, had he so long lived."

A motion was made, by Mr. EPPES, to postpone the further consideration thereof indefinitely.

This motion gave rise to a debate, in which

lightened and liberal policy requires the same, and pursues the means to accomplish it. Kind offices mark the intercourse of the Governments, and conciliatory feelings predominate in the settlement of questions. The diplomatic art, jealous of its vocation, and so apt to deposit the seeds of a new contestation in the settlement of an old one, may exhaust itself in controversy; but the business populations, the liberal minded, and the socially affected, will not fight for controversy; and benignant speech, through a long prospective, looms before us. In fact, it is a fair assumption, that there can never be another war between the United States and Great Britain: that is to say, that there can never be just cause for war between them, and that the business populations of the two countries will not permit it to be made without cause. The same of France: so that business connections, and social relations with the only two powers which could seriously affect us, relieving us from apprehension there, give the promise to the United States, not only of long, but of general peace.

While the chance for war, and even its possibility, is thus indefinitely deferred, our means to meet it, if it should come, are indefinitely increased. The comparison between the means in 1812, and in 1856, is the comparison of infancy, with its feeble struggles, to the fabulous Jupiter, hurling his thunderbolts. We were forced unexpectedly, and unwillingly, into that war of 1812—destitute of all that its prosecution required. We began it with naked hands and empty pockets, without even roads to get to the foe, and with such destitution of the means of intelligence that the enemy on our frontiers knew both of the declaration of war, and of the conclusion of peace, before our officers at the same places learnt the events from their Government. Now, all this is changed, and this nation, so defenceless then, now stands ready to receive and repulse all assailants. The progress of the peaceful arts, and the discovery of the part in which our strength lies, has worked the change. The invention of the electric telegraph, and of the steam car, are the largest preparations for defensive war that the world ever saw; and the development of the volunteer system is the discovery of the national strength. The telegraph calls, with a flash, the defenders of their country: the car brings them as on wings: the volunteer spirit supplies more than can be used. With these preparations, the United States may pursue, in security, their peaceful career, satisfied that at any moment, and without previous expense, they will be able to extemporize a land force of volunteers to repel any invader, and a sea force of privateers to destroy any foreign commerce.

MESSRS. EPPES, CANNON, POTTER, TAYLOR, GROSVENOR, SHEFFERY, and PICKERING, advocated the postponement; and MESSRS. FISK of New York, McKIM, FISK of Vermont, JACKSON of Virginia, HULBERT, WRIGHT, and OAKLEY, opposed it.

The debate was one of some interest. The general principle asserted by those opposed to the bill, was the impropriety of setting a precedent of pensions for civil services, which would entail on the United States the evils so grievously felt in despotic Governments, from the same source. The bill was advocated on the ground of respect for the services of the deceased patriot and public servant, whose family was by his decease placed in a state of absolute dependence.

The question on postponement was at length decided by yeas and nays—for postponement 86, against it 44, as follows:

YEAS.—Messrs. Alston, Anderson, Avery, Barnett, Brown, Caperton, Cannon, Champion, Cilley, Clendenin, Clopton, Comstock, Condict, Conard, Cooper, Crawford, Crouch, Culpeper, Davenport, Desha, Duvall, Ely, Eppes, Franklin, Gaston, Geddes, Gholson, Glasgow, Goldsborough, Goodwin, Grosvenor, Hale, Hall, Harris, Hawes, Henderson, Humphreys, Hungerford, Irwin, Kennedy, Kilbourn, King of Massachusetts, King of North Carolina, Law, Lefferts, Lewis, Lovett, Lyle, Macon, Markell, McLean, Montgomery, Mosely, Nelson, Ormsby, Pearson, Pickering, Piper, Pitkin, Potter, Rea of Pennsylvania, Rhea of Tennessee, Rich, Sage, Schureman, Seybert, Sheffey, Sherwood, Shipard, Slaymaker, Stanford, Stockton, Strong, Sturges, Taggart, Tannehill, Taylor, Tronp, Udree, Vose, Wheaton, White, Wilcox, Williams, Winter, and Yancey.

NAYS.—Messrs. Alexander, Bard, Baylies of Massachusetts, Bigelow, Bines, Boyd, Bradbury, Brigham, Cox, Creighton, Farrow, Fisk of Vermont, Fisk of New York, Gourdin, Hanson, Hasbrouck, Hopkins of Kentucky, Hubbard, Hulbert, Ingersoll, Jackson of Rhode Island, Jackson of Virginia, Kent of New York, Kent of Maryland, Kerhaw, McKim, Moore, Murfree, Oakley, Parker, Pleasants, Ringgold, Roane, Robertson, Sevier, Smith of New York, Smith of Pennsylvania, Smith of Virginia, Stuart, Thompson, Wilson of Massachusetts, Wilson of Pennsylvania, Wood, and Wright.

So the bill was indefinitely postponed,—in other words, rejected.

WEDNESDAY, February 22.

Pay of Members in Currency current in their States.

MR. FISK, of Vermont, offered for consideration the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of making provision by law for paying the members of this House in money current in the States to which they respectively belong.*

* All federal payments were in paper, either Treasury notes or Bank notes, and all the Banks had stopped specie payments except in New England, where the notes were still equal to silver, while greatly depreciated elsewhere; and the federal treasury could only obtain these latter kind. Treasury notes were also greatly depreciated.

This motion gave rise to some debate.

MR. FISK grounded his motion on the discount the Eastern members were obliged to pay for Eastern notes, and the alleged impropriety of members of Congress travelling from shop to shop selling their wages, or bartering off the notes they receive in payment for such as shall be current in their States, &c.

MR. RHEA moved to amend the resolution, by striking out the latter part of it, and inserting in lieu thereof, the words "Treasury notes or bank notes."

The object of the whole motion was supported by MR. WRIGHT, MR. FISK, and MR. POTTER, and opposed by MR. RHEA, MR. NEWTON, MR. FARROW, MR. EPPES, MR. INGHAM, MR. McKIM, and MR. HAWKINS, who denied both its necessity and expediency.

A motion of MR. EPPES, to lay the resolution on the table, was negatived.

MR. HAWKINS moved an indefinite postponement of the whole subject, on the general and very obvious ground of the injustice of members of Congress discriminating between themselves and other public creditors, who have at least equally high claims on the Government.

Several unsuccessful motions were made to get rid of this question, by proceeding to the orders of the day, or laying it on the table. The question on indefinite postponement, was at length decided by yeas and nays—for the postponement 82, against it 50.

So the resolve was indefinitely postponed.

FRIDAY, February 24.

Relations with Algiers.

The following report, yesterday transmitted to the House by the PRESIDENT OF THE UNITED STATES, was read:

DEPARTMENT OF STATE, Feb. 20, 1815.

The acting Secretary of State, to whom was referred the resolution of the House of Representatives of the 15th instant, requesting the President of the United States to cause to be laid before that House such information as he shall deem necessary to be communicated, touching the state of relations existing between the United States and the Barbary Powers, has the honor to state, that, according to the latest accounts from Morocco, Tunis, and Tripoli, our relations with those powers remained upon their former footing; nor is there any particular reason to believe that any change has since taken place.

It will appear, by the documents accompanying the Message of the President to Congress on the 17th November, 1812, that the Dey of Algiers had, violently and without just cause, obliged the Consul of the United States, and all American citizens then in Algiers, to leave that place in a manner highly offensive to their country and injurious to themselves, and in violation of the treaty then subsisting between the two nations. It appears, moreover, that he exacted from the Consul, under pain of immediate imprisonment, a large sum of money, to which he had no claim but what originated in his own injustice.

These acts of violence and outrage have been followed by the capture of at least one American vessel, and by the seizure of an American citizen on board a neutral vessel. The unfortunate persons

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thus captured, are yet held in captivity, with the exception of two of them, who have been ransomed. Every effort to obtain the release of the others has proved abortive; and there is some reason to believe that they are held by the Dey as a means by which he calculates to extort from the United States a degrading treaty.

JAMES MONROE.

The galleries were then cleared, and the doors of the House closed, and so remained until near five o'clock, when the House adjourned.

SATURDAY, February 25.

Mr. EPPEs, from the Committee of Ways and Means, reported a bill to authorize a loan for a sum not exceeding — dollars; which was read twice, and committed to a Committee of the Whole.

Mr. EPPEs also reported a bill to prohibit the exportation of specie, gold or silver coins, or bullion; which was read twice, and committed to a Committee of the Whole.

Military Peace Establishment.

The House went into Committee of the Whole, on the bill for fixing the Military Peace Establishment; and the first section of the bill having been read, which proposes to fix it at ten thousand men—

Mr. TROUP said the Military Establishment had just been perfected—the Army had just been made one of the finest in the world, when it became necessary to reduce it. It was the less to be regretted, however; as the cause of it was a subject of sincere and universal congratulation—it was proper to reduce the Army. The only questions for the House were, 1st. The extent of the reduction. 2d. The mode of reduction.

With respect to the first, (the extent of reduction,) he presumed that three objects ought to claim the attention of the House. 1st. The security of the country; 2d. The interest of the country; and 3d. The just claims of the Army.

In considering the security of the country, it was only necessary to advert to the actual state of the country. The war had this moment terminated and left us surrounded with the fleets and armies—the formidable fleets and armies of our late enemy. What security had we that those fleets and armies would be withdrawn? At least we had no other security than the good faith of the nation with whom we had concluded the peace. Admitting that faith to be what it ought to be, he submitted with much deference to the House, whether the security of any country ought to be made to depend upon the good faith of any other country. He presumed that a respectable military force would be a much safer dependence. So said the policy and practice of all civilized nations—so said the policy and practice of all the nations of Europe. There the practice was to disband or withdraw *pari passu*—the one power withdrawing as the

other withdrew—the one power reducing as the other reduced. He did not know an instance in European history of two nations terminating a war by an honorable peace, where the one instantaneously reduced its military force to a Peace Establishment, leaving the other to maintain its force on a War Establishment upon its frontier. Such, however, would be precisely our case if we determined on a sudden and great reduction of the army.

The treaty of peace had stipulated the surrender of posts and the restoration of certain property—both were important, and yet what security had we that either stipulation would be fulfilled if we suddenly stripped ourselves of our military power? We would have no reliance left but on the good faith of our late enemy. If the posts were not surrendered or the property restored, he presumed we would begin to reorganize and restore our Army; he thought it therefore more wise and more prudent, on the ground of security, to make our reduction moderate, limited, and gradual.

But, 2d. The interest of the country. The interest of the country, in one sense of the word, required not merely the reduction but the annihilation of the Army. It was the interest of the country to relieve the Government and country from the burden of the whole military expense; but this could only be done by the entire destruction of the military force. Why, therefore, was it not proposed to put down the Army altogether? Only because the security of the country forbade it. Here, then, was a consideration of interest connected with the consideration of security. But there was an interest distinct and independent; it was that which would look with a steady eye to what were considered great and important rights and principles, not settled by the treaty of peace. The treaty of peace was a treaty of peace merely—it was properly such—it proposed little more than to put an end to the war. Much more remained to be settled; rights, principles, and interests, considered essential to the prosperity of commerce, navigation, and fisheries, remained to be settled. This was to be done in the only way in which it ought to be done—by a treaty of commerce. Nations negotiate with more weight and influence with arms in their hands than without them, and a large army would carry into a negotiation more weight and influence than a small one; he submitted therefore to the House, whether a great and sudden reduction of the Army would not prejudice those rights and interests, and whether the interest of the United States did not, on this account, require for the present the exhibition of a respectable military force.

But, 3d. The just claims of the Army. Whether the reduction were great or small, instantaneous or eventual, the just claims of the Army could not fail to be a subject of consideration with the House. By the just claims of the army he did not mean to be understood as speaking of absolute right on the one side and

correspondent absolute obligation on the other; all he meant was, a just and equitable claim to liberal provision from the generosity of the Legislature. The officers and soldiers to be disbanded were entitled to a liberal provision, not because they had embarked in the regular service—not because they had exposed their lives in defence of their country—not because very many of them had been wounded and disabled—not because very many of them had fallen, leaving their wives and children dependent on the charities of the world—not because these brave men were still willing further to expose their lives—not because their skill and valor had greatly contributed to the restoration of the blessings of peace—not for all these—but because they had entered into the service for years, perhaps forever; abandoning the pursuits of civil life by which they subsisted, and betaking themselves to arms as a profession. This profession was not by their own act, but by the act of Government suddenly and unexpectedly taken from them, and they were turned upon the world without occupation, many of them penniless and in debt. It was right, it was just, that a provision should be made which would enable them to subsist until they could find employment; it was the more so in a country where there was no pension list, no hotel of invalids; it was on this principle that all governments had made liberal and generous provision for disbanded officers; it was on this principle that the Old Congress had made provision for the disbanded officers of the Revolution. The provision proposed was far from a liberal provision, but it was better than nothing; it was a provision in land and not in money; because it was believed to be more convenient to the Government to give land than money. He hoped that the House would never think of disbanded the army without making some provision.

Secondly. The mode of reduction. There were three modes of reducing the army; the first was, by retaining in service all the regiments, reducing both officers and men—the skeletons of regiments being preserved, it would only be necessary on any emergency compelling a resort to arms, to fill up and supply; the second mode was, by reducing the number of regiments one-half or one-third, and reducing at the same time both officers and men of each regiment, but so reducing the officers as to retain a sufficient number of field, and company, and staff officers to enable the Government on the recurrence of war to double the number of regiments, giving to each regiment an experienced officer of the various grades; the third mode was, the consolidation and reduction proposed by the bill, the effect of which was, to reduce the Army to the old Peace Establishment. It was hoped that the House would consider the reduction to ten thousand as the lowest possible reduction; it would reduce the expense of the Military Establishment to a mere trifle compared with the war expenditure. He would

give the estimate, which would show that the annual expense would be less than three millions:

10,000 men, at \$200 each . . .	\$2,000,000
2 major generals and aids . . .	12,900
4 brigadier generals and aids . . .	14,500
8 colonels . . .	13,000
14 lieutenant colonels . . .	20,000
128 captains . . .	84,000
128 first lieutenants . . .	78,000
128 second lieutenants . . .	70,000
48 third lieutenants (artillery). . .	23,600
128 ensigns . . .	60,764
	<hr/> 2,376,764
Staff . . .	100,000
Camp equipage . . .	60,000
Medicine and hospital stores. . .	30,000
Quartermaster's stores, fuel, stationery, straw, and transportation : . .	100,000
	<hr/> \$2,666,764

Making an aggregate expense of two millions six hundred thousand dollars.* The actual expenditure would, he was convinced, fall short of the estimate; the war cost of a soldier, completely equipped and furnished, was three hundred and eight dollars per annum; the peace cost was only one hundred and ninety dollars per annum, but he had set it down at two hundred dollars per man; besides, the estimate supposed that the corps would always be full, which would seldom or never happen, and the quantity of camp equipage, hospital stores, and quartermaster's stores on hand, would, for the first year or two, make a considerable deduction from those items. With these observations he would submit the subject for the decision of the House.

Mr. DESHA said, duty impelled him to make a motion to try the sense of the committee, as to the number of the Army necessary to be kept up for a Peace Establishment. Although he had always been in favor of the greatest

* This estimate of the annual expense of 10,000 men of all arms, on a peace establishment, presents a stand-point from which to contemplate the progressive increase of the cost of the military establishment since that time. The average cost of each man, rank and file, at that time, was placed at \$300, (though actually only \$190;) the cost of each man, all the officers of the line included, was \$237 67; the cost of the whole, (staff officers, camp equipage, medicine and hospital stores, quartermaster's stores, fuel, stationery, straw and transportation included,) was \$266 67 per man: making for the annual cost of the whole establishment of 10,000 men when full at all points, (which it never is,) the sum of \$2,666,764. This contrasts strongly with the military expense since incurred, and cannot be accounted for by the distance of the new frontiers; for, although more distant, they are more accessible than the former; and the expense of getting to them, computed in time and cost, (the only proper mode of counting the expense in such a case,) may be less. In an establishment of 15,000 men, as proposed by the Senate, the cost per man would be less than in the one of 10,000, many items of expense being the same in each.

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number proposed in time of war, because he thought it prudent to relieve the militia from being harassed by draughts, yet he was not in favor of a large Peace Establishment. He therefore moved to strike out the word *ten* and insert *six*. He believed six thousand to be sufficient for all purposes in time of peace; we have no use for a regular army in time of peace, but for the purpose of keeping up the frontier garrisons, and to take care of the arms, &c.,—then how many garrisons will it be necessary to keep up? not exceeding twenty-five or thirty. Indeed, he believed thirty to be the extent of the number we have, and will not one hundred be sufficient, on an average, to each garrison? He said some would require perhaps more than a hundred, but others would not require more than twenty-five or thirty men—then supposing the average to be one hundred and the number of garrisons thirty, which will be the extent, you will require but three thousand for garrison purpose; then, admitting the amendment succeeds, you will have three thousand to go on, supposing the number always to be complete, but which is not to be presumed. Then where is the necessity of keeping up ten thousand? Gentlemen tell you it is necessary as a security against imposition from foreign powers. Mr. D. said we have a better security than ten, or even fifty, thousand regulars. The yeomanry of the country is the great security; and circumstances have proven in this war that the militia and volunteers of the country, when well officered and managed, are able for the best veteran troops of Britain, which is, I confess, a subject of pride, because it proves that there is no necessity of keeping up a large standing army in time of peace.

But it is said that ten thousand regular forces are necessary to keep the hostile Indians of the West in check. Mr. D. said regulars were not the kind of force the best adapted to Indian warfare; the Western riflemen were the best calculated to chastise the insolence of the Indians. There will be no difficulty, if it becomes necessary, to obtain a sufficiency of volunteer riflemen from the West to keep the Indians in check. They are the kind of force that the Indians are afraid of; they care very little for your regular musketry.

Mr. SHARPE said he should have been gratified had the Military Committee given the House some statement of what number of troops would be necessary to keep up the garrisons at the different posts. He should like to know the number estimated by the Executive, as necessary for that purpose. If ten thousand men were necessary for that purpose, he would vote them; but he was unwilling to vote a single man for any other purpose. For the purposes of war a standing army of ten thousand men was nothing—for a Peace Establishment, five thousand were enough. The way to support the military character, and to propagate and preserve military science, he conceived, was by a liberal establishment of military schools, &c.

Education makes soldiers. Our old army, the officers of which had generally been so long in service, had, he said, made no considerable figure during the late war; its officers had been generally eclipsed by those of later appointment. The officers of a Peace Establishment were by their habits fitted to command on garrison duty, but were frequently mere drones; it was in times of exigency, that talents and intrepidity were called to the standard of their country, and not in time of peace, when there was so little in the military life attractive to a man of spirit and enterprise. Mr. S. said, unless it should be proved to him that ten thousand men were necessary for garrison duty, he should vote in favor of five thousand, which he believed to be sufficient.

Mr. POTTER said he hoped the motion now pending to reduce the army to six thousand would prevail, and wished that the gentleman had moved to reduce the army to two thousand men. Ten thousand men, he said, were nothing for the purposes of war, but quite enough to garrison the posts on the seaboard during a time of peace. We did not want more for the latter object in peace than it seemed we had wanted in war; and, as regarded the State he represented, he wanted none of them.

It had been said that twenty thousand men would cost less than six millions. We have, Mr. P. said, talked so long about millions and millions that we have almost lost all idea of the value of money. But, if the people, who are taxed to pay these six millions, were told it was only for the purpose of supporting a little standing army, they would think it a matter of some consequence. It was of more importance, Mr. P. said, to reduce the burdens on the people than to keep up a small army for the purpose of continuing the present taxation on the people. This nation would have more influence with the British or any other nation, if it had plenty of money, without an army, than it would have if it were pressed for money and had a standing army. We had derived some experience from the war just closed, which had been begun without money and without men. The re-establishment of the credit of the nation would be of much more importance to the nation should it again be involved in war, than the support of a standing army in the interval of peace.

The question on reducing the number from ten to six thousand, was then taken and decided in the affirmative.

THURSDAY, March 2.

Public Debt.

Mr. EPPES laid before the House a letter addressed to him, as chairman of the Committee of Ways and Means, by the Secretary of the Treasury, submitting to their consideration a proposition to provide for paying the interest and gradually reducing the stock debt which has been created during the late war; which

was read, and ordered to be printed. The letter is as follows:

TREASURY DEPARTMENT, Feb. 24. 1815.

SIR: I have the honor to submit to the consideration of the Committee of Ways and Means, a proposition to provide for paying the interest and gradually reducing the stock debt which has been created during the late war. It was my intention to have accompanied this communication with tables, illustrating, in detail, the operation of the Sinking Fund, as well as the effect of the present proposition; but various causes render the performance of this task impracticable before the adjournment of Congress, and I cannot do better than to refer to the report which was made by the Treasury Department to the House of Representatives on the 9th of April, 1808, exhibiting explanatory statements and notes of the public debt, its increase or decrease, from the 1st of January, 1791, to the 1st of January, 1808. I shall, therefore, confine my views to—First. The general state of the public debt before the war; Second. The general state of the public debt contracted since the war; and, Third. The particular provision to be now made for the last description of the public debt.

I. On the 31st December, 1814, the amount of the public debt created before the war may be estimated at \$39,906,188 66, and it consisted of the following particulars:

1. Old six per cent. stock, the nominal amount being	\$17,250,871 09
Of which there had been reimbursed	12,879,288 78
Leaving due on the 31st day of December, 1814	\$4,371,582 31
2. Deferred six per centum stock, the nominal amount of which is	\$9,358,320 85
Of which there had been reimbursed	3,971,148 36
Leaving due on the 31st day of December, 1814	\$5,387,171 99
3. Three per cent. stock	16,158,177 34
4. Exchange six per cent. stock under the act of 1812	2,984,746 72
5. Six per cent. stock of 1796	80,000 00
6. Louisiana six per cent. stock	10,928,500 00
Estimated amount of the whole of the public debt, contracted before the war, due on 31st December, 1814	\$39,906,188 66

Upon the principles and estimates of the Treasury Report of the 9th of April, 1808, it was computed:

1. That on the 1st of January, 1808, the public debt amounted to	\$64,700,000 00
2. If, therefore, the amount of the public debt computed to be due on the 31st December, 1814, be deducted, to wit:	89,906,188 66

The amount redeemed between the 1st of January, 1808, and the 31st day of December, 1814, may be estimated at

\$24,794,816 34

The establishment of a Sinking Fund to redeem the

principal of the public debt was coeval with the funding system of 1790, but the payment of the interest of the debt was not charged upon that fund until 1802. The amount of the public debt was increased during several of the years that intervened between January, 1791, and January, 1808, and the Sinking Fund was enriched at various periods by the assignment of additional revenues. The acts of the 8th of May, 1792, the 3d of March, 1795, the 29th of April, 1802, and the 10th of November, 1808, form, however, the principal basis of the present Sinking Fund, providing for the annual payment of the interest, as well as for the gradual redemption of the debt.

Under the authority of these acts of Congress, the Sinking Fund amounts to the sum of \$8,000,000 annually, which at this time is supplied from the following sources:

1. From the interest on such parts of the public debt as have been reimbursed or paid off, and which, at present, amounts to the sum of	\$1,969,577 64
2. From the net proceeds of the sales of public lands, (exclusive of lands sold in the Mississippi Territory, which, as yet, belong to the State of Georgia,) estimated annually at the sum of	800,000 00
3. From the proceeds of duties on imports and tonnage, to make the annual sum of \$8,000,000, estimated at about	5,230,422 35
	<u>\$8,000,000 00</u>

II. On the 31st December, 1814, the amount of the public debt created since the war, (independent of temporary loans and issues of Treasury notes,) may be estimated at

\$49,780,322 13

And it consisted of the following particulars:

1. Six per cent. stock of 1812, being the eleven million loan	7,710,000 00
2. Six per cent. stock of 1813, being the sixteen million loan	18,109,377 51
3. Six per cent. stock of 1813, being the sixteen million five hundred thousand loan	8,498,583 50
4. Six per cent. stock of 1814, being the loan of ten millions, (part of the loan authorized for twenty-five millions)	9,190,476 25
5. Six per cent. stock of 1814, being the loan of six millions, (part of the loan authorized for twenty-five millions)	4,842,875 00
	<u>\$48,580,312 26</u>

But it is proper to bring into view here, the additional six per cent. stock, which will be created in consequence of contracts depending on the 31st of December, 1814, to be completed in 1815, to wit:

1. The committee of defence of Philadelphia contracted to loan \$100,000, to fortify the island in the river Delaware called the Pea Patch, for six per cent. stock at

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par, which will be issued under the act of March, 1812, \$100,000 00	
2. The corporation of New York contracted to advance money for fortifications, supplies, &c., at New York, on the terms of the six million loan, and the amount being liquidated, six per cent. stock has been ordered for	1,100,009 87
	<u>1,200,009 87</u>
	<u>\$49,580,822 18</u>

There are, however, other contracts for loans, made through the medium of the War Department, which have been recognized at the Treasury to be paid in six per cent. stock, but which have not been so liquidated as to furnish a ground to estimate their amount.

The six per cent. stock, which was issued under the act of the 24th of March, 1814, amounting to \$3,000,000, and sent to Europe, has not been, and probably will not be sold. It is, therefore, omitted in the present estimates.

Besides the funded debt above stated, there have been contracted debts to the amount of \$19,002,800, upon temporary loans, and upon the issues of Treasury notes, consisting of the following particulars:

1. Temporary loans have been obtained under the act of March, 1812, (of which the sum of \$500,000 became due in December, 1814, and remains unpaid; and of which \$50,000 will be payable in the year 1817), for	\$550,000 00
2. Treasury notes had been issued or ordered on the 20th February, 1815,	
(1.) Payable on or before the 1st January, 1815, due and unpaid principal -	\$2,799,200
(2.) Payable since the 1st of January, 1815, due and unpaid -	620,000
(3.) Payable almost daily, from the 11th of March, to and including January 1, 1816 -	7,227,260
(4.) Payable from the 11th of January to and including the 1st March, 1816 -	7,806,320
	<u>18,452,800 00</u>
Making a floating public debt in temporary loans and issues of Treasury notes -	19,002,800 00
To which add the amount of funded debt -	<u>49,780,822 18</u>
And the whole ascertained amount of debt created during the war, is the sum of -	<u>\$68,783,122 18</u>

The general claims for militia services and supplies, arising under the authority of the individual States, as well as of the United States, have been partially exhibited; but neither the principle of settle-

ment nor the amount of the claims, can at this time be stated.

III. In suggesting provisions to pay the interest and gradually to reduce the principal of the public debt, contracted since the declaration of war, the inconvenience which has been introduced, by making the payment of the principal and interest of the Treasury notes a charge upon the Sinking Fund, is greatly to be lamented. The Treasury notes were in their design, and ought to be in their use, a species of circulating medium; but it is evident that a sinking fund of \$3,000,000, could never supply the means of paying the prior claims, and, also, of discharging punctually the whole of the principal, as well as the interest, of annual issues of Treasury notes, amounting to eight or ten millions of dollars. It is indispensable, therefore, to the free and beneficial operation of the Sinking Fund, that it should be disengaged, as soon as possible, from this burden. The means of disengaging it are, 1st, by the payment of the Treasury notes out of the current revenue; or, 2d, by funding them upon reasonable terms, under the act by which it is proposed to authorize a loan for the service of the year 1815; and these means, it is believed, will be effectual.

The Sinking Fund, being thus emancipated from the Treasury note debt, would be sufficient, in 1815, for the interest and reimbursement of the stock created before the war; for the interest of the stock created since the war; and for the interest of the loan to be raised for the present year, either in money or by converting the Treasury note debt into stock debt. Thus,

1. The Sinking Fund amounts to -	\$3,000,000 00
2. The interest and reimbursement of stocks created before the war, will require a sum of	3,452,775 46
3. The interest of the stocks created since the war, (computed on the above sum of \$49,780,822 18,) and including \$7,968, payable for annuities, will require a sum of -	2,994,787 32
4. The interest on the loan for 1815 (computed to average a half year's interest on the sum of \$11,500,000, being the estimated amount of the Treasury notes, which may be converted into stocks) will require a sum of	345,000 00
5. But there must be added, the interest and principal of the temporary loans due and unpaid, which were obtained under the authority to borrow, granted by the act of the — March, 1812, amounting for 1815, to the sum of	533,000 00
	<u>7,325,562 78</u>
And would leave a surplus of -	<u>\$674,437 22</u>

It appears on this view of the Sinking Fund, (independent of the operation of the past year,) that there will be a surplus of \$674,437 22, to be further applied to the reduction of the principal, both of the old and the new public debt. But this can only now be done by purchases in the market.

The proposition to be, at this time, submitted to the consideration of the Committee of Ways and Means, in relation to the stock debt created since the war, involves the following points :

1. That provision be made for the payment, or for the funding, of the Treasury note debt, so as to relieve the Sinking Fund from that charge.

2. That the Sinking Fund be applied, in the first place, to the interest and reimbursement of the old six per cent. stock, according to the existing laws.

3. That the Sinking Fund be applied, in the second place, to the payment of the principal and interest of the temporary loans, obtained under the act of March, 1812.

4. That the Sinking Fund be applied, in the third place, to the payment of the interest accruing upon the stock debt created since the war.

5. That the annual surplus of the Sinking Fund, after satisfying the above objects, be applied to the purchase of the stock created since the war ; and that the interest upon the stock annually purchased, be added, from time to time, to that appropriation, for the purpose of making new purchases.

After the present year, there is reason to presume that the public revenue will considerably exceed the public expenditure, and, consequently, that the necessity of borrowing will cease. At that period, a more satisfactory view may be taken of the subject, than can be taken while the amount of the public debt remains, in some measure, unascertained ; the operation and product of the new taxes, as well as of the impost upon the revival of commerce, are conjectural, and the legislative intentions, respecting a Peace Establishment, have not been declared.

Since, therefore, the existing Sinking Fund (being relieved, in the manner before intimated, from the encumbrance of the Treasury note debt) is already charged with the payment of the interest on the stock created since the war, and will be sufficient for that purpose, besides paying the interest and the annual reimbursement of the stock created before the war, I respectfully propose, that no further step be taken during the present session of Congress, than to authorize the subscription of Treasury notes to the loan which is now under Legislative consideration, and to direct the surplus of the Sinking Fund to be applied to purchases of the stock created since the war, for the emolument of the fund. But it will be proper to confine the benefit of subscribing to the loan to such Treasury notes only as have been, or may be issued under the acts which render them a charge upon the Sinking Fund, namely, the acts of the 20th of June, 1812 ; of the 25th of February, 1813 ; and of the 4th of March, 1814 ; and the Secretary of the Treasury should be authorized to designate the notes to be received in subscription, from time to time, according to the date of the issues.

I have the honor to be, very respectfully, sir, your most obedient servant,
A. J. DALLAS.
J. W. EPPES, Esq., *Chairman, &c.*

FRIDAY, March 3.

Thanks to the Speaker.

Mr. FINDLAY moved the following resolution :

" *Resolved*, That the thanks of this House be presented to LANGDON CHEVES, in testimony of their approbation of his conduct in discharge of the arduous and important duties assigned him whilst in the Chair.

The motion was unanimously agreed to ; and this vote having been announced, the SPEAKER addressed the House as follows :

" GENTLEMEN : I am very sensible of the honor you have done me by your vote ; but I am much more deeply affected by the kindness of which it is an evidence—a kindness which has been uniform, and which alone could have sustained me in times and under circumstances of such unusual difficulty and embarrassment as those in which we have acted together. Almost the only qualification with which I took the Chair was a determination faithfully, impartially, and independently to do my duty ; almost the only merit which I have been authorized to claim, while in it, has been that of a zealous endeavor to execute that determination. But you, in the partiality of your kindness, have bestowed on these poor pretensions the highest excellence. Real gratitude, gentlemen, is not eloquent ; I can only say I thank you—affectionately and unfeignedly I thank you ! May God bless you all, and restore you speedily and happily to your families and your homes !"

Military Peace Establishment.

Mr. TROUP, from the managers appointed on the part of this House, at the conference, on the disagreeing votes of the two Houses on the amendments depending to the bill "fixing the Military Peace Establishment of the United States," reported the following modifications :

That the Senate recede from the first amendment proposed to the bill ;

That in lieu of the second amendment proposed, the Senate agree to substitute the word "ten," for the word "fifteen ;"

That the House of Representatives recede from their disagreement to all the other amendments proposed by the Senate.

The House proceeded to consider the said modifications.

The question was taken to concur in the second modification, to wit : That the Military Peace Establishment shall consist of "ten" thousand men, instead of "fifteen" thousand, as proposed by the Senate ; and it passed in the affirmative—yeas 70, nays 38.

Closing Business.

On motion of Mr. SHARPE, a committee was appointed, jointly with a committee to be appointed by the Senate, to wait upon the President of the United States, and inform him that the two Houses are now ready to adjourn, and desire to know whether he has any further communication to make to them during the present session.

Mr. SHARPE, from the joint committee appointed to wait upon the President of the United States, and inform him of the approaching recess of Congress, reported that they had performed that duty, and that the President answered that he had no further communication to make to Congress at the present session.

Confidential Supplemental Journal.

A message from the Senate informed the House that the Senate, having completed the Legislative business before them, are now ready to adjourn.

Ordered, That a message be sent to the Senate, to inform them that this House, having

completed the business before them, are also ready to adjourn; and that the Clerk do go with the said message.

The Clerk having went with the said message, and being returned, the SPEAKER adjourned the House *sine die*.

CONFIDENTIAL SUPPLEMENTAL JOURNAL

OF SUCH PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES AT THE THIRD SESSION OF THE THIRTEENTH CONGRESS, AS, PENDING THEIR CONSIDERATION, WERE ORDERED TO BE KEPT SECRET, BUT, RESPECTING WHICH, THE INJUNCTION OF SECRECY WAS AFTERWARDS TAKEN OFF BY ORDER OF THE HOUSE.

THURSDAY, February 23, 1815.

The confidential Message of the PRESIDENT OF THE UNITED STATES, communicated on this day, was then taken up, and read, as follows, viz:

To the Senate and House of

Representatives of the United States:

Congress will have seen, by the communication from the Consul General of the United States, at Algiers, laid before them on the 17th of November, 1812, the hostile proceedings of the Dey against that functionary. These have been followed by acts of more overt and direct warfare against the citizens of the United States trading in the Mediterranean; some of whom are still detained in captivity, notwithstanding the attempts which have been made to ransom them, and are treated with the rigor usual on the coast of Barbary.

The considerations which rendered it unnecessary and unimportant to commence hostile operations on the part of the United States, being now terminated by the peace with Great Britain, which opens the prospect of an active and valuable trade of their citizens within the range of the Algerine cruisers, I recommend to Congress the expediency of an act declaring the existence of a state of war between the United States and the Dey of Algiers; and of such provisions as may be requisite for a vigorous prosecution of it to a successful issue.

JAMES MADISON.

WASHINGTON, Feb. 23, 1815.

Ordered, That the said communication be referred to the Committee on Foreign Relations.

Mr. WRIGHT then submitted the following resolution:

Resolved, That the Committee on Foreign Relations be instructed to inquire of the President the reasons assigned by the Dey of Algiers for his conduct towards the United States.

And the question being taken, "Will the House now consider the resolution?" it was determined in the negative.

FRIDAY, February 24.

Mr. FORSYTH, from the Committee on Foreign Relations, to whom was referred the President's Message of yesterday, reported "a bill for the

protection of the commerce of the United States against the Algerine cruisers;" which was twice read.

Mr. GASTON then moved to commit the bill to the Committee on Foreign Relations, with instructions "to inquire into and report, in detail, the facts upon which the measure contemplated by the bill is predicated."

Mr. HALL then moved to amend the motion of Mr. GASTON, by striking out the words "the Committee on Foreign Relations," and inserting, in lieu thereof, the words "a select committee;" and, the question being taken thereon, it passed in the affirmative.

The question was then taken on agreeing to Mr. GASTON's motion, as amended, and passed in the affirmative—yeas 79, nays 42.

Ordered, That Messrs. GASTON, FORSYTH, WARD of Massachusetts, GROSVENOR, SEYBERT, McKIM, and NEWTON, be the said committee.

TUESDAY, February 28.

Mr. GASTON, from the select committee, to whom was referred, on the 24th instant, the bill for "the protection of the commerce of the United States against the Algerine cruisers," with instructions to inquire into, and report in detail, the facts upon which the measure contemplated by the bill is predicated," made a report thereupon; which was read. The report is as follows:

The committee to whom has been referred the bill "for the protection of the commerce of the United States against the Algerine cruisers," with instructions to inquire and report, in detail, the facts upon which the measure contemplated by the bill is predicated, report:

That, in the month of July, 1812, the Dey of Algiers taking offence, or pretending to take offence, at the quantity and quality of a shipment of military stores, made by the United States in pursuance of the stipulation in the Treaty of 1795, and, refusing to receive the stores, extorted from the American Consul General at Algiers, by threats of personal imprisonment, and of reducing to slavery all the Americans in his power, a sum of money claimed as arrearages of treaty stipulations, and denied by the

United States to be due; and then compelled the Consul, and all citizens of the United States at Algiers, abruptly to quit his dominions.

It further appears to the committee, that, on the 25th of August following, the American brig Edwin, of Salem, owned by Nathaniel Silsbee of that place, while on a voyage from Malta to Gibraltar, was taken by an Algerine corsair, and carried into Algiers as prize. The commander of the brig, Captain George Campbell Smith, and the crew, ten in number, have ever since been detained in captivity, with the exception of two of them, whose release has been effected under circumstances not indicating any change of hostile temper on the part of the Dey. It also appears that a vessel, sailing under the Spanish flag, has been condemned in Algiers as laying a false claim to that flag, and concealing her true American character. In this vessel was taken a Mr. Pollard, who claims to be an American citizen, and is believed to be of Norfolk, Virginia, and who, as an American citizen, is kept in captivity. The Government, justly solicitous to relieve these unfortunate captives, caused an agent (whose connection with the Government was not disclosed) to be sent to Algiers with the means, and with instructions to effect their ransom, if it could be done at a price not exceeding three thousand dollars per man. The effort did not succeed, because of the Dey's avowed policy to increase the number of his American slaves, in order to be able to compel a renewal of his Treaty with the United States on terms suited to his rapacity. Captain Smith, Mr. Pollard, and the master of the Edwin, are not confined, nor kept at hard labor; but the rest of the captives are subjected to the well known horrors of Algerine slavery. The committee have not been apprised of any other specific outrages upon the persons or property of American citizens, besides those stated; and they apprehend that the fewness of these is attributable to the want of opportunity, and not of inclination in the Dey, to prey upon our commerce, and to enslave our citizens. The war with Britain has hitherto shut the Mediterranean against American vessels, which it may be presumed will now shortly venture upon it.

The committee are all of opinion, upon the evidence which has been laid before them, that the Dey of Algiers considers his Treaty with the United States as at an end, and is waging war against them. The evidence upon which this opinion is founded, and from which are extracted the facts above stated, accompanies this report, and with it is respectfully submitted.

The said bill being then amended, by prefixing the following preamble—

"Whereas the Dey of Algiers, on the coast of Barbary, has commenced a predatory warfare against the United States."

The question was taken on engrossing the bill, and reading it a third time, and passed in the affirmative—yeas 94, nays 32, as follows:

YEAS.—Messrs. Alexander, Anderson, Barbour, Baylies of Massachusetts, Bines, Bowen, Bradbury, Burwell, Calhoun, Cannon, Champion, Clopton, Condict, Cox, Creighton, Cuthbert, Desha, Duval, Eppes, Farrow, Findlay, Fisk of Vermont, Fisk of New York, Forsyth, Franklin, Gaston, Gholson, Goodwyn, Gourdin, Grosvenor, Hale, Hall, Harris, Hasbrouck, Hawes, Hawkins, Hopkins of Kentucky, Hubbard, Humphreys, Hungerford, Hulbert, Irwin, Jackson of Virginia, Johnson of Kentucky, Kennedy, Kent of New York, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Leferts, Lowndes, Macon, McCoy, Montgomery, Moore, Nelson, Newton, Oakley, Ormsby, Pickens, Pleasants, Potter, John Reed, Wm. Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Robertson, Ruggles, Sage, Schureman, Sevier, Seybert, Sharpe, Sheffey, Sherwood, Smith of New York, Smith of Virginia, Stockton, Stuart, Tannehill, Taylor, Telfair, Troup, Udree, Ward of Massachusetts, Wilson of Pennsylvania, Winter, and Yancey.

NAYS.—Messrs. Bard, Bigelow, Brigham, Brown, Caperton, Cilley, Comstock, Crouch, Davenport, Davis of Pennsylvania, Ely, Goldsborough, Henderson, King of Massachusetts, Law, Lovett, Pearson, Pickering, Piper, Pitkin, Slaymaker, Smith of Pennsylvania, Stanford, Strong, Sturges, Taggart, Thompson, Vose, Wheaton, White, Wilcox, and Wilson of Massachusetts.

And the bill having been engrossed, was read a third time, and sent to the Senate by the hands of Mr. GASTON and Mr. FORSYTH.

THURSDAY, March 2.

The bill "for the protection of the commerce of the United States against the Algerine cruisers," was returned from the Senate, they having passed it without amendment. And the injunction of secrecy was removed.

FOURTEENTH CONGRESS.—FIRST SESSION.

BEGUN AT THE CITY OF WASHINGTON, DECEMBER 4, 1815.

PROCEEDINGS IN THE SENATE.*

MONDAY, December 4, 1815.

The first session of the Fourteenth Congress, conformably to the Constitution of the United States, commenced this day at the city of Washington; and the Senate assembled.

PRESENT:

JOSEPH B. VARNUM, from the State of Massachusetts.

WILLIAM HUNTER and JEREMIAH B. HOWELL, from Rhode Island.

DUDLEY CHACE and ISAAC TICHENOR, from Vermont.

DAVID DAGGETT, from Connecticut.

NATHAN SANFORD, from New York.

JAMES J. WILSON, from New Jersey.

ABNER LACOCK and JONATHAN ROBERTS, from Pennsylvania.

OUTERBRIDGE HORSEY, from Delaware.

JAMES BARBOUR, from Virginia.

JOHN GAILLARD, from South Carolina.

CHARLES TAIT, from Georgia.

GEORGE W. CAMPBELL and JOHN WILLIAMS, from Tennessee.

BENJAMIN RUGGLES, from Ohio.

JAMES BROWN and ELEGIUS FROMENTIN, from Louisiana.

JOHN GAILLARD, President *pro tempore*, resumed the Chair.

ISAAC TICHENOR, appointed a Senator by the Legislature of the State of Vermont, for the term of six years, commencing on the 4th day of March last; NATHAN SANFORD, appointed a Senator by the Legislature of the State of New York for the term of six years, commencing on the 4th day of March last; JAMES J. WILSON, appointed a Senator by the Legislature of the

State of New Jersey, for the term of six years, commencing on the 4th day of March last; JAMES BARBOUR, appointed a Senator by the Legislature of the State of Virginia, for the term of six years, commencing on the 4th day of March last; GEORGE W. CAMPBELL, appointed a Senator by the Legislature of the State of Tennessee, for the term of six years, commencing on the 4th day of March last; JOHN WILLIAMS, appointed a Senator by the Legislature of the State of Tennessee, for the term of two years, in place of George W. Campbell, resigned; BENJAMIN RUGGLES, appointed a Senator by the Legislature of the State of Ohio, for the term of six years, commencing on the 4th day of March last; respectively produced their credentials, which were read, and the oath prescribed by law was administered to them, and they took their seats in the Senate.

The oath was also administered to Messrs. HUNTER, ROBERTS, and HORSEY; their credentials having been read and filed during the last session.

Ordered, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled, and ready to proceed to business.

Messrs. VARNUM and HUNTER were appointed a committee on the part of the Senate, together with such committee as may be appointed by the House of Representatives, on their part, to wait on the President of the United States, and notify him that a quorum of the two Houses is assembled and ready to receive any communications that he may be pleased to make to them; and the Secretary was directed to notify the House of Representatives accordingly.

The PRESIDENT communicated a letter from

* LIST OF MEMBERS OF THE SENATE.

New Hampshire.—Thos. W. Thompson, Jeremiah Mason.

Massachusetts.—Joseph B. Varnum, Christopher Gore.

Rhode Island.—William Hunter, Jeremiah B. Howell.

Connecticut.—David Daggett, Samuel W. Dana.

Vermont.—Dudley Chace, Isaac Tichenor.

New York.—Nathan Sanford, Rufus King.

New Jersey.—James J. Wilson, John Condit.

Pennsylvania.—Abner Lacock, Jonathan Roberts.

Delaware.—Outerbridge Horsey, William H. Wells.

Maryland.—Robert H. Goldsborough, Robert Goodloe Harper.

Virginia.—James Barbour, Armistead T. Mason.

North Carolina.—James Turner, Nathaniel Macon.

South Carolina.—John Gaillard, John Taylor.

Georgia.—Charles Tait, William W. Bibb.

Kentucky.—William T. Barry, Isham Talbot.

Tennessee.—George W. Campbell, John Williams.

Ohio.—Benjamin Ruggles, Jeremiah Morrow.

Louisiana.—James Brown, Elegius Fromentin.

[SENATE.]

President's Message.

[DECEMBER, 1815.]

the committee in behalf of the gentlemen concerned in erecting the new building on the Capitol Hill for the accommodation of Congress, offering the same to Congress until the Capitol may be ready for their reception; which was read.

Whereupon, on motion, by Mr. HORSEY,

Resolved, That a committee be appointed on the part of the Senate, to join such committee as may be appointed on the part of the House of Representatives, to inquire and report upon the state of the new building on Capitol Hill offered to Congress by letter addressed to the President of the Senate of this day, by a committee on their part, of the gentlemen concerned in erecting the same; and that the said joint committee be instructed to inquire and ascertain upon what terms and conditions the use of the said building for the accommodation of Congress may be obtained, until the Capitol may be ready for their reception.

Resolved, That Messrs. HORSEY, LACOCK, and FROMENTIN, be the committee on the part of the Senate.

Mr. LACOCK submitted the following motion for consideration, which was read:

Resolved, That Mountjoy Bayly, Doorkeeper and Sergeant-at-Arms to the Senate, be, and he hereby is authorized to employ one assistant and two horses, for the purpose of performing such services as are usually required by the Doorkeeper of the Senate; which expense shall be paid out of the contingent fund.

Ordered, That it pass to the second reading.

TUESDAY, December 5.

WILLIAM W. BIBB, from the State of Georgia, took his seat in the Senate.

A message from the House of Representatives informed the Senate, that a quorum of the House of Representatives is assembled, and have elected HENRY CLAY, one of the Representatives for the State of Kentucky, their Speaker, and THOMAS DOUGHERTY, their Clerk, and are ready to proceed to business. They have appointed a committee on their part, to join the committee appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communications he may be pleased to make to them.

Mr. Varnum reported from the joint committee, that they had waited on the President of the United States, and that the President informed the committee that he would make a communication to the two Houses this day at 12 o'clock.

President's Message.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Fellow-citizens of the Senate

and House of Representatives:

I have the satisfaction, on our present meeting, of being able to communicate to you the successful termination of the war which had been commenced against the United States by the Regency of Algiers. The squadron in advance on that service, under Commodore Decatur, lost not a moment after its arrival in the Mediterranean, in seeking the naval force of

the enemy then cruising in that sea, and succeeded in capturing two of his ships, one of them the principal ship, commanded by the Algerine Admiral. The high character of the American commander was brilliantly sustained on the occasion, which brought his own ship into close action with that of his adversary, as was the accustomed gallantry of all the officers and men actually engaged. Having prepared the way by this demonstration of American skill and prowess, he hastened to the port of Algiers, where peace was promptly yielded to his victorious force. In the terms stipulated, the rights and honor of the United States were particularly consulted, by a perpetual relinquishment, on the part of the Dey, of all pretensions to tribute from them. The impressions which have thus been made, strengthened as they will have been, by subsequent transactions with the Regencies of Tunis and of Tripoli, by the appearance of the larger force which followed under Commodore Bainbridge, the chief in command of the expedition, and by the judicious precautionary arrangements left by him in that quarter, afford a reasonable prospect of future security for the valuable portion of our commerce which passes within reach of the Barbary cruisers.

It is another source of satisfaction that the Treaty of Peace with Great Britain has been succeeded by a Convention on the subject of commerce, concluded by the Plenipotentiaries of the two countries. In this result a disposition is manifested on the part of that nation, corresponding with the disposition of the United States, which, it may be hoped, will be improved into liberal arrangements on other subjects, on which the parties have mutual interests, or which might endanger their future harmony. Congress will decide on the expediency of promoting such a sequel, by giving effect to the measure of confining the American navigation to American seamen; a measure which, at the same time that it might have that conciliatory tendency, would have the further advantage of increasing the independence of our navigation, and the resources for our maritime defence.

The execution of the act for fixing the Military Peace Establishment, has been attended with difficulties which even now can only be overcome by Legislative aid. The selection of officers; the payment and discharge of the troops enlisted for the war; the payment of the retained troops, and their re-union from detached and distant stations; the collection and security of the public property in the Quartermaster, Commissary, and Ordnance Departments; and the constant medical assistance required in hospitals and garrisons, rendered a complete execution of the act impracticable on the first of May, the period more immediately contemplated. As soon, however, as circumstances would permit, and as far as it has been practicable, consistently with the public interests, the reduction of the army has been accomplished; but the appropriations for its pay and for other branches of the military service, having proved inadequate, the earliest attention to that subject will be necessary; and the expediency of continuing, upon the Peace Establishment, the staff officers who have hitherto been provisionally retained, is also recommended to the consideration of Congress.

In the performance of the Executive duty upon this occasion, there has not been wanting a just sensibility to the merits of the American Army during the late war; but the obvious policy and design in fixing an efficient Military Peace Establishment did not afford an opportunity to distinguish the aged and infirm, on account of their past services; nor the

DECEMBER, 1815.]

President's Message.

[SENATE.]

wounded and disabled, on account of their present sufferings. The extent of the reduction, indeed, unavoidably involved the exclusion of many meritorious officers of every rank from the service of their country; and so equal, as well as so numerous, were the claims to attention, that a decision by the standard of comparative merit could seldom be attained. Judged, however, in candor, by a general standard of positive merit, the Army register will, it is believed, do honor to the establishment; while the case of those officers whose names are not included in it, devolves, with the strongest interest, upon the Legislative authority, for such provision as shall be deemed the best calculated to give support and solace to the veteran and the invalid; to display the beneficence, as well as the justice, of the Government; and to inspire a martial zeal for the public service upon every future emergency.

Although the embarrassments arising from the want of a uniform national currency have not been diminished since the adjournment of Congress, great satisfaction has been derived in contemplating the revival of the public credit, and the efficiency of the public resources. The receipts into the Treasury, from the various branches of revenue, during the nine months ending on the 30th of September last, have been estimated at twelve millions and a half of dollars; the issues of Treasury notes of every denomination, during the same period, amounted to the sum of fourteen millions of dollars; and there was also obtained upon loan, during the same period, a sum of nine millions of dollars; of which the sum of six millions of dollars was subscribed in cash, and the sum of three millions of dollars in Treasury notes. With these means, added to the sum of one million and a half of dollars, being the balance of money in the Treasury on the first of January, there has been paid, between the first of January and the first of October, on account of the appropriations of the preceding and of the present year, (exclusively of the amount of the Treasury notes subscribed to the loan, and of the amount redeemed in the payment of duties and taxes,) the aggregate sum of thirty-three millions and a half of dollars, leaving a balance then in the Treasury estimated at the sum of three millions of dollars. Independent, however, of the arrearages due for military services and supplies, it is presumed that a further sum of five millions of dollars, including the interest on the public debt payable on the first of January next, will be demanded at the Treasury to complete the expenditures of the present year, and for which the existing ways and means will sufficiently provide.

The National debt, as it was ascertained on the first of October last, amounted in the whole to the sum of one hundred and twenty millions of dollars, consisting of the unredeemed balance of the debt contracted before the late war, (thirty-nine millions of dollars,) the amount of the funded debt contracted in consequence of the war, (sixty-four millions of dollars,) and the amount of the unfunded and floating debt, (including the various issues of Treasury notes,) seventeen millions of dollars, which is in a gradual course of payment. There will, probably, be some addition to the public debt, upon the liquidation of various claims, which are depending; and a conciliatory disposition on the part of Congress may lead honorably and advantageously to an equitable arrangement of the militia expenses incurred by the several States, without the previous sanction or

authority of the Government of the United States; but when it is considered that the new, as well as the old portion of the debt has been contracted in the assertion of the national rights and independence; and when it is recollected that the public expenditures, not being exclusively bestowed upon subjects of a transient nature, will long be visible in the number and equipments of the American navy, in the military works for the defence of our harbors and our frontiers, and in the supplies of our arsenals and magazines, the amount will bear a gratifying comparison with the objects which have been attained, as well as with the resources of the country.

The arrangements of the finances, with a view to the receipts and expenditures of a permanent Peace Establishment, will necessarily enter into the deliberations of Congress during the present session. It is true that the improved condition of the public revenue will not afford the means of maintaining the faith of the Government with its creditors inviolate, and of prosecuting, successfully, the measures of the most liberal policy, but will also justify an immediate alleviation of the burdens imposed by the necessities of the war. It is, however, essential to every modification of the finances, that the benefits of a uniform National currency should be restored to the community. The absence of the precious metals will, it is believed, be a temporary evil; but, until they can again be rendered the general medium of exchange, it devolves on the wisdom of Congress to provide a substitute, which shall equally engage the confidence, and accommodate the wants of the citizens throughout the Union. If the operation of the State banks cannot produce this result, the probable operation of a National Bank will merit consideration; and if neither of these expedients be deemed effectual, it may become necessary to ascertain the terms upon which the notes of the Government (no longer required as an instrument of credit) shall be issued, upon motives of general policy, as a common medium of circulation.

Notwithstanding the security for future repose, which the United States ought to find in their love of peace, and their constant respect for the rights of other nations, the character of the times particularly inculcates the lesson, that, whether to prevent or repel danger, we ought not to be unprepared for it. This consideration will sufficiently recommend to Congress a liberal provision for the immediate extension and gradual completion of the works of defence, both fixed and floating, on our maritime frontier, and an adequate provision for guarding our inland frontier against dangers to which certain portions of it may continue to be exposed.

As an improvement in our Military Establishment, it will deserve the consideration of Congress, whether a corps of invalids might not be so organized and employed, as at once to aid in the support of meritorious individuals, excluded by age or infirmities from the existing establishment, and to procure to the public the benefit of their stationary services, and of their exemplary discipline. I recommend, also, an enlargement of the Military Academy, already established, and the establishment of others in other sections of the Union. And I cannot press too much on the attention of Congress, such a classification and organization of the militia as will most effectually render it the safeguard of a free State. If experience has shown, in the recent splendid achievements of militia, the value of this resource for the public defence, it

has shown also the importance of that skill in the use of arms, and that familiarity with the essential rules of discipline, which cannot be expected from the regulations now in force. With this subject is intimately connected the necessity of accommodating the laws, in every respect, to the great object of enabling the political authority of the Union to employ, promptly and effectually, the physical power of the Union in the cases designated by the constitution.

The signal services which have been rendered by our Navy, and the capacities it has developed for successful co-operation in the national defence, will give to that portion of the public force its full value in the eyes of Congress, at an epoch which calls for the constant vigilance of all Governments. To preserve the ships now in a sound state; to complete those already contemplated; to provide amply the imperishable materials for prompt augmentations, and to improve the existing arrangements into more advantageous establishments, for the construction, the repairs, and the security of the vessels of war, is dictated by the soundest policy.

In adjusting the duties on imports, to the object of revenue, the influence of the tariff on manufactures will necessarily present itself for consideration. However wise the theory may be, which leaves to the sagacity and interest of individuals the application of their industry and resources, there are in this, as in other cases, exceptions to the general rule. Besides the condition which the theory itself implies, of a reciprocal adoption by other nations, experience teaches that so many circumstances must concur in introducing and maturing manufacturing establishments, especially of the more complicated kinds, that a country may remain long without them, although sufficiently advanced, and, in some respects, even peculiarly fitted for carrying them on with success. Under circumstances giving a powerful impulse to manufacturing industry, it has made among us a progress, and exhibited an efficiency, which justify the belief, that, with a protection not more than is due to the enterprising citizens whose interests are now at stake, it will become, at an early day, not only safe against occasional competitions from abroad, but a source of domestic wealth, and even of external commerce. In selecting the branches more especially entitled to the public patronage, a preference is obviously claimed by such as will relieve the United States from a dependence on foreign supplies, ever subject to casual failures, for articles necessary for the public defence, or connected with the primary wants of individuals. It will be an additional recommendation of particular manufactures, where the materials for them are extensively drawn from our agriculture, and consequently impart and insure to that great fund of national prosperity and independence an encouragement, which cannot fail to be rewarded.

Among the means of advancing the public interest, the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country the roads and canals which can be best executed under the national authority. No objects within the circle of political economy so richly repay the expense bestowed on them; there are none, the utility of which is more universally ascertained and acknowledged; none that do more honor to the Governments whose wise and enlarged patriotism duly appreciates them. Nor is there any country which presents a field, where

nature invites more the art of man to complete her own work, for his accommodation and benefit. These considerations are strengthened, moreover, by the political effect of these facilities for intercommunication, in bringing and binding more closely together the various parts of our extended confederacy. While the States, individually, with a laudable enterprise and emulation, avail themselves of their local advantages, by new roads, by navigable canals, and by improving the streams susceptible of navigation, the General Government is the more urged to similar undertakings, requiring a national jurisdiction and national means, by the prospect of thus systematically completing so inestimable a work. And it is a happy reflection, that any defect of constitutional authority, which may be encountered, can be supplied in a mode which the constitution itself has providently pointed out.

The present is a favorable season also for bringing again into view the establishment of a National seminary of learning within the District of Columbia, and with means drawn from the property therein subject to the authority of the General Government. Such an institution claims the patronage of Congress, as a monument of their solicitude for the advancement of knowledge, without which the blessings of liberty cannot be fully enjoyed, or long preserved; as a model, instructive in the formation of other seminaries; as a nursery of enlightened preceptors; and, as a central resort of youth and genius from every part of their country, diffusing, on their return, examples of those national feelings, those liberal sentiments, and those congenial manners, which contribute cement to our union and strength to the great political fabric, of which that is the foundation.

In closing this communication I ought not to repress a sensibility, in which you will unite, to the happy lot of our country, and to the goodness of a superintending Providence, to which we are indebted for it. Whilst other portions of mankind are laboring under the distresses of war, or struggling with adversity in other forms, the United States are in the tranquil enjoyment of prosperous and honorable peace. In reviewing the scenes through which it has been attained, we can rejoice in the proofs given, that our political institutions, founded in human rights, and framed for their preservation, are equal to the severest trials of war, as well as adapted to the ordinary periods of repose. As fruits of this experience, and of the reputation acquired by the American arms, on the land and on the water, the nation finds itself possessed of a growing respect abroad, and of a just confidence in itself, which are among the best pledges for its peaceful career. Under other aspects of our country, the strongest features of its flourishing condition are seen, in a population rapidly increasing, on a territory as productive as it is extensive; in a general industry and fertile ingenuity, which find their ample rewards; and in an affluent revenue, which admits of a reduction of the public burdens, without withdrawing the means of sustaining the public credit, of gradually discharging the public debt, of providing for the necessary defensive and precautionary establishments, and of patronizing, in every authorized mode, undertakings conducive to the aggregate wealth and individual comfort of our citizens.

It remains for the guardians of the public welfare, to persevere in that justice and good will towards

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other nations, which invite a return of these sentiments towards the United States; to cherish institutions which guarantee their safety and their liberties, civil and religious; and to combine, with a liberal system of foreign commerce, an improvement of the national advantages, and a protection and extension of the independent resources of our highly favored and happy country.

In all measures having such objects, my faithful co-operation will be afforded. JAMES MADISON.

WASHINGTON, December 5, 1815.

WEDNESDAY, December 6.

JAMES TURNER, from the State of North Carolina, and JOHN CONDIT, from the State of New Jersey, respectively took their seats in the Senate.

THURSDAY, December 7.

SAMUEL W. DANA, appointed a Senator by the Legislature of the State of Connecticut, for the term of six years, commencing on the 4th day of March last, produced his credentials, was qualified, and took his seat in the Senate.

JEREMIAH MORROW, from the State of Ohio, also took his seat in the Senate.

Mr. HORSEY, from the joint committee appointed to inquire into the state of the new building on Capitol Hill, offered by the proprietors for the accommodation of Congress, and upon what terms the said building could be obtained until the Capitol may be ready for their reception, made a report which was read.

Mr. HORSEY also asked and obtained leave to report a bill to authorize the President of the United States to lease, for the term therein mentioned, the new building on Capitol Hill, with appurtenances for the better accommodation of Congress; and the bill was read, and passed to the second reading.

MONDAY, December 11.

ROBERT H. GOLDSBOROUGH, from the State of Maryland, took his seat in the Senate.

The Senate resumed the motion made on the 8th instant, for the appointment of a committee on so much of the Message of the President of the United States, as relates to Manufactures, and agreed thereto; and Messrs. HUNTER, ROBERTS, TALBOT, CONDIT, and THOMPSON, were appointed the committee.

The Senate resumed the motion made the 8th instant, for the appointment of a committee on so much of the Message of the President of the United States, as relates to Roads and Canals, and agreed thereto; and Messrs. MORROW, BROWN, HORSEY, WILSON, and GORE, were appointed the committee.

The Senate also resumed the motion made the 8th instant, on so much of the Message of the President of the United States, as relates to a National Seminary of Learning within the District of Columbia, and agreed thereto; and Messrs. BROWN, FROMENTIN, SANFORD, DANA, and HUNTER, were appointed the committee.

On motion by Mr. DAGGETT,
Resolved, That when the Senate adjourn, they adjourn to meet on Wednesday next, in the new building on Capitol Hill.

The PRESIDENT communicated reports of the Secretary for the Department of Navy, made in obedience to the resolutions of the Senate of the 28th of January, and the 28th of February, 1815, upon the several subjects thereof; which were read.

WEDNESDAY, December 13.

RUFUS KING, from the State of New York, and JOHN TAYLOR, from the State of South Carolina, respectfully took their seats in the Senate.

NATHANIEL MAOON, appointed a Senator by the Legislature of the State of North Carolina, in place of Francis Locke, resigned, produced his credentials, was qualified, and he took his seat in the Senate.

MONDAY, December 18.

The oath prescribed by law was administered to CHRISTOPHER GORE, his credentials having been read and filed during the last session, and he took his seat in the Senate.

WILLIAM T. BARRY, from the State of Kentucky, also took his seat in the Senate.

TUESDAY, December 19.

THOMAS W. THOMPSON, from the State of New Hampshire, took his seat in the Senate.

FRIDAY, December 29.

ISHAM TALBOT, from the State of Kentucky, arrived on the 27th, and attended this day.

MONDAY, January 8, 1816.

JEREMIAH MASON, from the State of New Hampshire, took his seat in the Senate.

WEDNESDAY, January 10.

WILLIAM H. WELLS, from the State of Delaware, took his seat in the Senate.

MONDAY, January 15.

Mr. TAIT, from the Committee on Naval Affairs, communicated a letter from the Secretary for the Department of Navy, containing estimates of the expense of building and equipping one seventy-four, two forty-fours, and two sloops of war; which were read.

TUESDAY, January 16.

The bill authorizing the appointment of certain Naval officers therein named, was read the third time.

Resolved, That this bill pass, and that the title thereof be, "An act authorizing the appointment of Admirals."

THURSDAY, January 18.

Mr. TAYLOR presented the memorial of James

Levins, of South Carolina, praying compensation for vanquishing and bringing into the United States, as prisoners of war, one midshipman and four seamen, of the navy of Great Britain, alone and unassisted, as stated in the memorial; which was read, and referred to the Committee on Naval Affairs.

Commerce with Great Britain—Treaty-making Power.

The Senate resumed, as in Committee of the Whole, the consideration of the bill entitled "An act to regulate the commerce between the United States and the territories of His Britannic Majesty, according to the convention concluded the 3d day of July, 1815, and the ratifications of which were exchanged on the 23d day of December, 1815;" and no amendment having been proposed thereto, the President reported the bill to the House: and, on the question, "Shall this bill be read a third time?"

Mr. JAMES BARBOUR said: Mr. President, as it seems to be the wish of the Senate to pass upon this subject without debate, it adds to the reluctance I always feel when compelled, even by a sense of duty, to intrude on their attention. Yet, as I feel myself obliged, under the solemn responsibility attached to the station I hold here, to vote against the bill under consideration—as I think, also, it is but a due respect to the other branch of the Legislature, from whom it is my misfortune to differ, and but an act of justice to myself to state the grounds of my opinion, I must be pardoned for departing from the course which seemed to be desired by the Senate.

In the exercise of this privilege, with a view to promote the wishes of the Senate as far as a sense of duty will permit, I will confine myself to a succinct view of the most prominent objections which lie against its passage, rather than indulge in the extensive range of which the subject is susceptible. Before I enter into the discussion of the merits of the question, I beg leave to call the attention of the Senate to the course which was adopted by us in relation to this subject. A bill, brought in by the Committee on Foreign Relations, passed the Senate unanimously, declaring that all laws in opposition to the convention between the United States and Great Britain, concluded on the 3d July last, should be held as null and void. The principle on which this body acted, was, that the treaty, upon the exchange of its ratification, did, of itself, repeal any commercial regulation, incompatible with its provisions, existing in our municipal code; it being by us believed at the time that such a bill was not necessary, but by a declaratory act, it was supposed, all doubts and difficulties, should any exist, might be removed. This bill is sent to the House of Representatives, who, without acting thereon, send us the one under consideration, but differing materially from ours. Far from pretending an intimate knowledge of the course of business

pursued by the two Houses, I do not say that the mode adopted in this particular case is irregular; but if it has not the sanction of precedent, it appears to me to be wanting in that courtesy which should be perpetually cherished between the two Houses. It would have been more decorous to have acted on our bill; to have agreed to it if it were approved; to reject or amend it. In the latter case, upon its being returned to the Senate, the views of the other body would have been contrasted with our own, and we might then have regularly passed upon the subject. A different course, however, has been adopted; and if a regard to etiquette had been the only obstacle to my support to the bill, it would have been readily given; for it is the substance, and not the shadow, which weighs with me. The difference between the two bills is rendered important by its involving a constitutional question.

It is my misfortune, for such I certainly esteem it, to differ from the other branch of the Legislature on that question; were it a difference of opinion on the expediency of a measure, it might readily be obviated, as being entirely free, or at least I hope so, from pride of opinion. My disposition is to meet, by mutual concession, those with whom I am in the habit of acting; but when a principle of the constitution is involved, concession and compromise are out of the question. With one eye on the sacred charter of our liberties, and the other on the solemn sanction under which I act here, I surrender myself to the dictates of my best judgment, (weak enough God knows,) and fearlessly pursue the course pointed out by these guides. My regret is certainly greatly lessened by the reflection that there is no difference of opinion with any one on the propriety of executing the treaty with good faith—we differ only as to the manner in which our common purpose shall be effected.

The difference between the friends of the bill, and those opposed to it is, as I understand it, this: the former contend, that the law of Congress, discriminating between American and British tonnage, is not abrogated by the treaty, although its provisions conflict with the treaty, but that to effect its repeal, the bill in question, a mere echo of the treaty, must pass; the latter, among whom I wish to be considered, on the contrary say, that the law above alluded to was annulled upon the ratification of the treaty. I hope I have succeeded in stating the question fairly, for that certainly was my wish, and it is also my determination to discuss it in the same spirit.

This, then, is the issue which is made up between the friends and the opponents of the bill; and although in its practical effects I cannot believe it would be of consequence which way it is decided, yet, as the just interpretation of the constitution is the pivot on which it turns, from that consideration alone the question becomes an interesting one.

Fortunately for us we have a written consti-

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tution to recur to, dictated with the utmost precision of which our language is susceptible—it being the work of whatsoever of wisdom, of experience, and of foresight, united America possessed.

To a just understanding of this instrument, it will be essential to recur to the object of its adoption; in this there can be no difference of opinion. The old band of union had been literally dissolved in its own imbecility; to remedy this serious evil, an increase of the powers of the General Government was indispensable.

To draw the line of demarcation between the powers thus granted to the General Government, and those retained by the States, was the primary and predominating object. In conformity with this view, we find a general enumeration of the powers assigned the former, of which Congress is made the depository; which powers, although granted to Congress in the first instance, are, in the same instrument, subsequently distributed among the other branches of the Government. Various examples might be adduced in support of this position. The following for the present will suffice: Art. 1, sec. 1, of the constitution declares, that "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." Yet we find, by the seventh section of the same article, the President invested with a large share of legislative power, and, in fact, constituting an integral branch of the Legislature; in addition to this, I will here barely add, that the grant of the very power to regulate the exercise of which gave birth to this bill, furnishes, by the admission of the friends of the bill, another evidence of the truth of this position, as I shall show hereafter; and, therefore, to comprehend the true meaning of the constitution, an isolated view of a particular clause or section will involve you in error, while a comprehensive one, both of its spirit and letter, will conduct you to a just result; when apparent collisions will be removed, and vigor and effect will be given to every part of the instrument. With this principle as our guide, I come directly to that part of the constitution which recognizes the treaty-making power. In the 2d clause, 2d sec., 2d art., are the following plain and emphatic words: "He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." Two considerations here irresistibly present themselves—first, there is no limitation to the exercise of the power, save such restrictions as arise from the constitution, as to the subjects on which it is to act; nor is there any participation of the power, with any other branch of the Government, in any way alluded to.

Am I borne out in this declaration by the clause referred to? That I am, seems to me susceptible of demonstration. To the President and Senate has been imparted the power of

making treaties. Well, what is a treaty? If a word have a known signification by the common consent of mankind, and it be used without any qualification in a law, constitution, or otherwise, the fair inference is that the received import of such word is intended to be conveyed. If so, the extent of the power intended to be granted admits of no difficulty. It reaches to those acts of courtesy and kindness, which philanthropy has established in the intercourse of nations, as well as to treaties of commerce, of boundaries, and, in fine, to every international subject whatsoever. This exposition is supported by such unequivocal authority, that it is believed it will not be questioned. I, therefore, infer that it will be readily yielded, that in regard to the treaty, in aid of which this bill is exhibited, the treaty-making power has not exceeded its just limits. So far we have proceeded on sure ground; we now come to the pith of the question. Is the legislative sanction necessary to give it effect? I answer in the negative. Why? Because, by the second clause of the sixth article of the constitution, it is declared that all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the land. If this clause means any thing, it is conclusive of the question.

If the treaty be a supreme law, then whatsoever municipal regulation comes within its provisions must *ipso facto* be annulled—unless gentlemen contend, there can be at the same time two supreme laws, emanating from the same authority, conflicting with each other, and still both in full vigor and effect. This would indeed produce a state of things without a parallel in human affairs, unless indeed its like might be found in the history of the Popes. In one instance, we are told, there were three at one time roaming over the Christian world, all claiming infallibility, and denouncing their anathemas against all who failed to yield implicit obedience to their respective mandates, when to comply with the one was to disobey the other. A result like this, so monstrous in its aspect, excludes the interpretation which produces it. It is a safe course in attempting to ascertain the meaning of a law or constitution to connect different clauses (no matter how detached) upon the same subject together. Let us do it in this case. The President shall have power, by and with the advice and consent of the Senate, to make treaties, which treaties shall be the supreme law of the land. I seek to gain no surreptitious advantage from the word supreme, because I frankly admit that it is used in the constitution, in relation to the laws and constitutions of the States; but I appeal to it merely to ascertain the high authority intended to be imparted by the framers of the constitution to a ratified treaty. It is classed in point of dignity with the laws of the United States. We ask for no superiority, but equality; and as the last law made annuls a former one, where they conflict, so we contend that a subsequent

treaty, as in the present case, revokes a former law in opposition thereto. But the other side contend, that it is inferior to the law in point of authority, which continues in full force despite of a treaty, and to its repeal the assent of the whole Legislature is necessary. Our claims rest on the expressed words of the constitution—the opposite on implication; and if the latter be just, I cannot forbear to say that the framers of the constitution would but ill deserve what I have heretofore thought a just tribute to their meritorious services. If they really designed to produce the effect contended for, instead of so declaring by a positive provision, they have used a language which, to my mind, operates conclusively against it. Under what clause of the constitution is the right to exercise this power set up? The reply is, the 8d clause of 8th section 1st article—Congress shall have power to regulate commerce with foreign nations, &c. I immediately inquire to what extent does the authority of Congress, in relation to commercial treaties, reach? Is the aid of the Legislature necessary in all cases whatsoever, to give effect to a commercial treaty? It is readily admitted that it is not. That a treaty, whose influence is extra territorial, becomes obligatory the instant of its ratification. That, as the aid of the Legislature is not necessary to its execution, the Legislature have no right to interpose. It is then admitted that while a general power on the subject of commerce is given to Congress, that yet important commercial regulations may be adopted by treaty, without the co-operation of the Legislature, notwithstanding the generality of the grant of power on commercial subjects to Congress. If it be true that the President and Senate have, in their treaty-making power, an exclusive control over part and not over the whole, I demand to know at what point that exclusive control ceases? In the clause relied upon, there is no limitation. The fact is, sir, none exists. The treaty-making power over commerce is supreme. No legislative sanction is necessary, if the treaty be capable of self-execution, and when a Legislative sanction is necessary, as I shall more at large hereafter show, such sanction, when given, adds nothing to the validity of the treaty, but enables the proper authority to execute it; and when the Legislature do act in this regard, it is under such obligation as the necessity of fulfilling a moral contract imposes.

If it be inquired of me what I understand by the clause in question, in answer I refer to the principle with which I set out; that this was a grant of power to the General Government of which Congress was in the first instance merely the depository, which power, had not a portion thereof been transferred to another branch of the Government, would have been exclusively exercised by Congress, but that a distribution of this power has been made by the constitution; as a portion thereof has been given to the treaty-making power, and that which is not transferred is left in the possession of Congress.

Hence, to Congress it is competent to act in this grant in its proper character by establishing municipal regulations. The President and the Senate, on the other hand, have the same power within their sphere, that is, by a treaty or convention with a foreign nation, to establish such regulations in regard to commerce, as to them may seem friendly to the public interest. Thus each department moves in its own proper orbit, nor do they come in collision with each other. If they have exercised their respective powers on the same subject, the last act, whether by the Legislature or the treaty-making power, abrogates a former one. The Legislature of the nation may, if a cause exist in their judgment sufficient to justify it, abrogate a treaty, as has been done; so the President and Senate by a treaty may abrogate a pre-existing law containing interfering provisions, as has been done heretofore, (without the right being questioned,) and as we say in the very case under consideration. I will endeavor to make myself understood by examples; Congress has power, under the clause in question, to lay embargoes, to pass non-intercourse, or non-importation, or countervailing laws, and this power they have frequently exercised. On the other hand, if the nation against whom one of those laws is intended to operate, is made sensible of her injustice and tenders reparation, the President and Senate have power by treaty to restore the amicable relations between the two nations, and the law directing otherwise, upon the ratification of the treaty, is forthwith annulled. Again, if Congress should be of opinion that the offending nation had not complied with their engagements, they might by law revoke the treaty, and place the relation between the two nations upon such footing as they approved. Where is the collision here? I see none. This view of the subject presents an aspect as innocent as that which is produced when a subsequent law repeals a former one. By this interpretation you reconcile one part of the constitution with another, giving to each a proper effect, a result always desirable, and in rules of construction claiming a precedence to all others. Indeed, sir, I do not see how the power in question could have been otherwise arranged. The power which has been assigned to Congress was indispensable; without it we should have been at the mercy of a foreign Government, who, knowing the incompetency of Congress to act, would have subjected our commerce to the most injurious regulations, as was actually the case before the adoption of the constitution, when it was managed by the States, by whom no regular system could be established; indeed, we all know this very subject was among the most prominent of the causes which produced the constitution. Had this state of things continued, no nation which could profit by a contrary course would have treated. On the other hand, had not a power been given to some branch of the Government to treat, whatever might have been the friendly dispositions of

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other powers, or however desirous to reciprocate beneficial arrangements, they could not, without a treaty-making power lodged somewhere, be realized. I therefore contend, that although to Congress a power is given in the clause alluded to, to regulate commerce, yet this power is in part, as I have before endeavored to show, given to the President and Senate in their treaty-making capacity—the truth of which position is admitted by the friends of the bill to a certain extent. The fact is, that the only difference between us is to ascertain the precise point where legislative aid is necessary to the execution of the treaty, and where not. To fix this point is to settle the question. After the most mature reflection which I have been able to give this subject, my mind has been brought to the following results: Whenever the President and Senate, within the acknowledged range of their treaty-making power, ratify a treaty upon extra territorial subjects, then it is binding without any auxiliary law. Again, if from the nature of the treaty it is self-executory, no legislative aid is necessary. If, on the contrary, the treaty from its nature cannot be carried into effect but by the agency of the Legislature, that is, if some municipal regulation be necessary, then the Legislature must act not as participating in the treaty-making power, but in its proper character as a legislative body. Examples will serve to illustrate more satisfactorily the view I wish to present. If for an equivalent we had agreed by treaty that our vessels should not pass the Cape of Good Hope or the Straits of Magellan, this being extra territorial, then no law would have been necessary; this I understand is conceded by all parties.

Secondly. If by treaty we agree to surrender prisoners of war, or property taken from the enemy, or, as in the very case under consideration, that for an equivalent we will forbear to exact a higher tonnage duty on British than American ships, then the treaty, as it needs not legislative aid, is self-executory; and, finally, if we had agreed in the last convention that, if the British Government would abstain from impressment, no British sailors should be employed on board American ships, and that those who should offend therein should be obnoxious to a penalty, then the Legislature must act to fix the amount of such penalty, to prescribe the manner in which it should be prosecuted, and to fix the tribunal which should have cognizance of the case. I have thus, as explicitly as it is possible for me, given you my view of the just pretensions of the treaty-making power, on the one hand, and of the legislative on the other. This construction, so palpable to my mind, and so irrefragable, instead of being met by argument, conducted with moderation, and addressed to the understanding, has been assailed elsewhere with every epithet of opprobrium, as leading to a concentration of power in the hands of the President and Senate. If such reveries deserved to be noticed, I will state, with a view to

quiet the alarmed, that this now dreaded power was exercised with less security to the nation by the old Congress. There, without the security arising from the approbation of the President, that body enjoyed the treaty-making power to the same extent as it is now exercised. And although this existed in the most disastrous period of the Republic, I have never heard it intimated that the power was abused. Indeed, sir, if the constitution itself does not form the horizon of my view, and I am at liberty to look to the reasons which influenced the authors of the constitution to place the treaty-making power where they did, I cannot help believing, that independent of the consideration of a greater degree of secrecy, despatch, &c., which was expected of the Senate, that the elements of which the body is composed, the immediate representatives of the States in their sovereign capacity, had great weight in the arrangement. The consideration, too, that the small States would be equally represented here with the largest, would not be without its weight. And it is a singular fact, that although a treaty should be ratified by the consent of fourteen States, the representatives from four of the largest States in the Union, in the other branch, could arrest its execution, if that branch of the Government were to participate in the treaty-making power. As I have already taken the liberty, so I must ask for a continuance of the privilege to notice what I have heard said elsewhere, relative to the subject under consideration. It is urged by some, that the control of the sword and the purse is granted to Congress in no other way than their power to regulate commerce; and that if the President and Senate can act independently of the Legislature in one case, so they may in all. Far be from me such an opinion. I unhesitatingly say, that the purse and the sword have been placed under the safeguard of the national will; that any attempt on the part of the President and Senate to exclude the House of Representatives from their share of this trust, would be unconstitutional; and that it would not only be their right, but their duty to oppose it; in this opinion, I feel warranted both by the letter and genius of the constitution. It is especially declared, by the 6th clause of the 9th section, that no money shall be drawn from the Treasury but in consequence of appropriations made by law; if by a treaty, therefore, it is covenanted that money shall be paid, Congress alone is competent to appropriate it, as was done in regard to Jay's Treaty, and that of Louisiana. As to the power of declaring war, it is surely placed in the Congress. This arrangement, which transfers this great attribute of sovereignty from the Executive department of the Government, where with all other nations it is lodged, to the Legislature, is one of the most striking features of our happy form of Government. I will not consent to discuss this question on the contracted scale of a special pleader. In forming my opinion, I shall consult the spirit of the constitution; it is re-

publican; its foundations rest on the unalienable rights of man; its acts flow directly from the will of the people. Where can the power over the sword and the purse reside with so much safety as in the National Legislature? There it has been placed; had it been otherwise, your Government would have been any thing but republican. I pass from this view to that taken by the other side, which admits that the President and Senate have a right to abrogate the declaration of war without the aid of Congress, because to Congress is not given the power to make peace. It is to me most wonderful that gentlemen, instead of relying on the just theory of the constitution, as ascertained through an enlarged view of the spirit and general organization of that instrument, should be content to rest their opinion on so fallacious a construction; for, were it true, Congress could never repeal a tax or disband an army, however unnecessary they might be esteemed, because no express power to do so had been given them. The true principle is, that Congress can alone declare war. The President and Senate, in their treaty-making capacity, can terminate it; and when peace is established by treaty, an auxiliary law of the Legislature, being unnecessary, is never passed.

The friends of the bill seek to avail themselves of precedents furnished by the British Government, where it is contended treaties are always laid before Parliament to receive their sanction before they become obligatory. I protest against them. The difference between the treaty-making power there and here, is as great as that which separates wisdom from folly, or purity from corruption. There the sole power of making treaties is lodged in an hereditary and irresponsible Chief Magistrate, who may have been placed by accident or crime on the throne, and who may be the most unfit man in the kingdom for any office. His weakness subjects him to the control of secret advisers, who, playing the part of chief jugglers behind the scene, exhibit him as the mere punch of the puppet-show. In a nation having the least pretension to freedom, the official acts of such an officer should be subject to control; unfortunately, none substantially exists. I say substantially, for although in point of fact treaties may be carried down to Parliament, it is but matter of form, for we all know that body has long since become an appendage of the Ministry; that they are as obedient to his nod as the needle to the pole. The British Government, in its best form, was but a wretched piece of patch-work—the result of fraud, of accident, or of force. Whatever liberty it might once have possessed, is, I fear, forever gone. The anodyne drug of corruption has been administered to the high and the low, till all orders have become contaminated, and the nation is ripening for that inevitable doom which alike awaits nations and individuals. What resemblance exists between that Government and ours in regard to the organization of the power under

consideration? Here a Chief Magistrate, called to office by the unbiassed suffrages of millions of freemen, responsible for his acts, and shortly to return to the mass of his fellow-citizens, aided by the direct representatives of the States in their sovereign capacity, two-thirds of whom must concur to give a validity to a treaty. The security against the abuse of power here, is as great as human ingenuity can devise; there, as feeble. I therefore renew my protest against precedents drawn from such a source.

Mr. FROMENTIN.—Mr. President, so much has been said already on this subject, both in the other House and out of doors, that every member of the Senate may be said to be in possession of almost all the arguments for and against the provisions of the bill on your table. In the few observations which I propose making, I will sedulously avoid repeating any of the arguments which I have heard urged upon the subject. The sixth article of the constitution is as follows: "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land."

A treaty, then, is a law; it is not to become a law when an act shall have been passed by Congress to make it so, otherwise the word treaties would have been useless in the article quoted—treaties then being necessarily included under the general term, laws of the United States; it is so, *ipso facto*. From the moment it has been ratified by the President, by and with the advice and consent of the Senate, the constitution declares that it is the supreme law of the land. Can a law—can what the constitution declares to be a law—need any further assistance to become so? Can it need the enactment of another law to make it so? Where will this process end? A treaty and an act of Congress are, by the constitution, put upon the same footing; both are declared to be laws; there cannot be two definitions of a law. If the law, as it results from a treaty, wants the super-enactment of an act of Congress, I can devise no reason why an act of Congress should not require another act of Congress, too, before the first act can be considered as a law. I see no end to this enactment and re-enactment. It has been contended that, admitting the treaty to be a law, still it cannot, unless the provisions of the treaty be re-enacted by Congress, repeal a former law, which is in contradiction to the new law, as it results from the treaty. If this doctrine was true, Mr. President, how is it that Congress did not think it necessary to re-enact the articles of the Treaty of Peace lately concluded with Great Britain? Did not the Treaty of Peace repeal the act of Congress by which war had been declared against Great Britain? Or, will gentlemen contend that this act is not yet repealed—that it is still in force? Are we, then, I ask, still at war with Great Britain? And if we are not—if we are at peace with Great Britain—is not

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the act declaring war against Great Britain actually repealed; and if it be repealed, is it not repealed by the Treaty of Peace; and if it be repealed by the Treaty of Peace, can it be questioned that a treaty, constitutionally ratified, does actually repeal every law anterior to that treaty, which is in opposition to the provisions of that treaty? Sir, it is a settled principle—a principle which, as far as I am informed, has never been contradicted—that the last law repeals the former law so far as the provisions of the former law are irreconcilable with the provisions of the latter; and if the practice had not obtained of inserting a repealing clause in such of our acts as are in contradiction with former acts on the same subject, those former acts, thus in contradiction, should, nevertheless, be repealed. The repealing clause in our acts is, it is true, the declaration of the repeal; but the repeal is actually produced by the enactment of the provisions of the law at war with the preceding law. The preceding law is actually repealed by the law imposing obligations, or prescribing duties incompatible with the obligations imposed, or the duties prescribed by a former law. For instance, take the act of Congress admitting the State of Louisiana into the Union; that act does not contain any clause to repeal the acts formerly passed by Congress for the Government of the portion of territory now known by the name of the State of Louisiana. Will it be contended that these acts are not repealed, quite as much repealed, as if a repealing clause had been inserted in the act for the admission of Louisiana; and if those acts be repealed, is it not because their provisions are irreconcilable with the provisions of the late act; and does not that example, among many others which I might have selected, establish fully the principle which I contend for, that, without the superfluous provisions of a repealing clause, such provisions of any law, incompatible with the provisions of a later law, are necessarily and *ipso facto* repealed by the provisions of the later law; and if this be undeniable with respect to one description of laws, is it not so with respect to laws of every other description? If it be true with respect to the acts of Congress, is it not true with respect to laws resulting from a treaty made under the authority of the United States? Sir, this House cannot get rid of the dilemma; either you cannot repeal former laws by the enactment of later laws in contradiction of the former, without a repealing clause—and I have proved that you did it—or what you may do by the enactment of one of the description of laws known to our constitution, without a repealing clause, may be done by another description of laws equally known to our constitution, without the assistance of a repealing clause.

Mr. President, can it be apprehended that this clause in the constitution, "under the authority of the United States," will be construed to include, by implication, very far-fetched implication indeed, the House of Representatives,

which truly does constitute a no inconsiderable share of the authority of the United States? but can no more, on that account, consider itself as constituting an essential indispensable part of every power necessary for all the acts which are to be done under the authority of the United States. Sir, these words, "the authority of the United States," are very broad; they cover an immense ground. But can they ever be supposed to mean, that every authority in the United States is to be consulted before any act can have validity which is to be done under the authority of the United States? Extensive, no doubt, and very properly so, but not unlimited, are the rights of the House of Representatives; and, like every other branch of the Government, in this our Government of checks, thus far, to wit: as far as the constitution has vested the right in the House of Representatives. Thus far has she a right to go, but no farther; and it is the bounden duty of the Senate to resist, on the part of the House, as well as on the part of the Executive, any attempt at an encroachment of rights which, by the constitution, are vested in the Senate. Sir, if the words, "under the Constitution of the United States," did, in the present instance, necessarily include the House of Representatives, it is difficult to conceive why the Convention, instead of using the words, "authority of the United States," did not use the words, "authority of Congress." The clause where these words are to be found, is not the clause of the constitution by which the power of making or ratifying treaties is delegated, but an annunciation only of what in future the people of the United States declare they will consider as a treaty binding upon them; it will be a treaty made under the authority of the United States; that is, a treaty made by that authority in the United States to which the power has been delegated by the constitution to make treaties, which shall be binding upon the people of the United States. Give me leave to add here, by way of rendering every obstacle which might be attempted to be erected on the forced construction of these words, that their insertion in the article of the constitution, where they are to be found, originated in the necessity of discriminating between treaties made under the authority of the United States, and treaties made under the authority of some individual State. Everybody who is conversant with the history of the United States at the time the constitution was framed, knows that several States had been making treaties; some treaties were in fact pending between some States, and some nations of Indians, at the time the constitution was adopted. The United States, by adopting the clause, "under the authority of the United States," gave public notice that they should not consider themselves as bound by any treaty made by individual States; but by such only as should be made under the authority of the United States; that is, by the President of

the United States, by and with the advice and consent of the Senate, which, according to the Constitution, are, as far as respects the power of making treaties, binding on this nation—the authority of the United States. Sir, the President and the Senate of the United States are the attorneys, in fact, of the people of the United States, to make, in their name, with a foreign nation, every contract which they conceive to be demanded for the interest of the people of the United States. Suppose I gave you a power of attorney to sell for me, and in my name, a tract of land on certain stipulated conditions, to be fulfilled by the purchaser. On the fulfilment of those conditions, you have agreed, under the authority which I had vested in you by the letter of attorney, that I should convey the land. The conditions have been fulfilled on the part of the purchaser, and he applies to me to convey the land accordingly. Could I, Mr. President, under these circumstances, be admitted to plead that there was too much danger in the exercise of the power by me delegated to an individual thus to bind me; and would not the court compel me to fulfil all the engagements entered into by the attorney, in fact, to whom I should have delegated the power to bind me: provided he had not, in that respect, exceeded the powers expressed in the letter of attorney? Sir, if the President and Senate have not, in the making of a treaty, exceeded the powers given to them by the constitution, it is the duty of Congress not to re-enact its provisions, to give it a validity which may be supposed to be wanting; but to pass such laws as may be necessary to give it effect, which laws are to be built upon, and made conformable to the provisions of the treaty, because that instrument is valid, and in full force from the moment of its ratification, according to the constitution.

Mr. ROBERTS.—Mr. President: Seeing no one about to occupy the floor, I rise, though ill prepared, to offer my opinion. I should do it under any circumstances with great diffidence. Having been under an impression there was no disposition to enter into a discussion of this bill, I had too much neglected turning my thoughts to its provisions, until gentlemen, holding different opinions from those I am compelled to form, had invited discussion, and almost made it unavoidable. I yesterday moved an adjournment, with a view to a better consideration of the subject; and have since devoted to it some attention. I have found it one of the most serious character, as it goes to fix a high and important construction of the constitutional law. The ultimate effects of the decision which may be now made, if it results in a rejection of the bill, must be momentous, however light its immediate ones may be esteemed. Gentlemen who have preceded me on the other side of the question, have the advantage of being familiarized with this sort of discussion, from their professional pursuits. [Mr. BARBOUR disclaimed being of that character.] The gentleman from

Virginia, said Mr. R., disclaims the professional character. I beg his pardon; the other gentlemen I apprehend are of that character, at least.

This question, Mr. President, presents nothing beyond the comprehension of a plain mind, and ordinary application.

Several exceptions have been taken to this bill. It has been objected to on the point of etiquette. It is said it is materially variant from the one passed on the same subject by this body, after solemn and deliberate consideration; and that consistency demands of us its rejection. Lastly, it is objected, that it is unnecessary, and must, if passed, be of evil consequences. This last objection, if found valid, must be fatal. I proceed to show it is not.

The gentleman from Virginia (Mr. BARBOUR) has laid down the question now before us. "Does a treaty repeal a law that has had the sanction of Congress, without its consent?" I should rather state it—"Does a treaty, ratified by two-thirds of the Senate and President, become a law without legislative sanction?" I contend it cannot constitutionally. In adducing proof of this, I shall not recur to precedents, often inapplicable, and never satisfactory in the settlement of just principles of legal construction. The constitution is the only safe authority to which an appeal can be made, in order to ascertain what powers are possessed by any branch of Government. In referring to this instrument, it is worthy of remark, that it is a specimen almost without parallel of concise and comprehensive diction. It contains few redundant words, and forming a whole, which must be kept in view, to a just construction of its parts.

The first section of the first article declares, "all legislative power shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." This short clause, Mr. President, will be found to have a predominating influence through the whole instrument. The language is so strong, and so comprehensive, that nothing can impair its force but a modification of its meaning, express and palpable. No construction by implication, however strong, can be adequate. All power of making laws shall be vested in a Congress: it must be worse than absurdity to say, then, that a treaty can become a law of the land, without its approbation. The following sections provide for organizing the Senate and House of Representatives, and defining the powers of each: In the eighth section, we find what Congress have power to do. This section closes with a clause of special importance in our present inquiry. We find here that, "Congress shall have power to make all laws necessary and proper for carrying into execution the foregoing powers, and all other powers, vested by this constitution in the Government of the United States, or in any department thereof." In coming at a correct construction of a law, much depends on a correct interpretation of words. Those passages show that all powers

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to make laws, for carrying into execution every power vested in the Government, or any department thereof, (most obviously the treaty-making power is here included,) is by the constitution vested in Congress. Here is an especial reference, not only to foregoing powers, but all other powers, subsequent as well as precedent. A legislative power is a power to give laws. All legislative power is given to Congress, and no other department of the Government can exercise it. If a treaty be a law, to any affirmative effect, it can only become so when it has been sanctioned by the Senate and House of Representatives. That the treaty-making power is not a law-making power, I consider as already established, by the most certain construction of the constitution. But, by pursuing the examination of its other provisions, we shall find in them confirmation strong to demonstration. The ninth section contains exceptions out of, and limitations on the legislative power, and every other power in the Government. It does not only say they shall not legislate on the subjects enumerated, but no power in the Government shall infringe upon them. The delegated authorities are severally and collectively inhibited from any interference with them. One of the exceptions is, "that no tax or duty shall be laid on articles exported from any State." Another is, "no money shall be drawn from the Treasury, but in consequence of appropriations made by law." It will be admitted by all, that the meaning of the word law, as used here, is a rule prescribed by Congress. A treaty, then, the provisions of which require appropriations to carry them into effect, cannot become an operative law, though ratified by two-thirds of the Senate and President, till Congress have by law appropriated money to carry it into execution. The ratification of a treaty, then, is obviously a very different authority from that of passing laws to execute it. But, it has been said, a treaty when ratified becomes a law, imposing on Congress the duty to make appropriations without option. This conclusion must be incorrect—first, because it goes to make the President and Senate the legislative authority, and the Senate and House of Representatives, the Executive authority—second, because legislation must of necessity be an act of free will, from motives of expediency—and third, if the Legislature refuse to appropriate, there can be no coercive remedy. If a treaty, when ratified, becomes a law, it must be a law adequate to appropriating money, subject to be drawn from the Treasury, without the consent of Congress. The argument leads to this conclusion, or it means nothing. It would not have been more obviously improper, to have stipulated with Britain, in the convention this bill is intended to carry into execution, for the levy of a duty on articles exported into the United States, equal to the existing duty on British exports. This seems to be the unavoidable, embarrassing construction that arises from attempting to build up a sovereign and little limited power,

on an insulated phrase of the constitution, without reference to the context.

"Congress," Mr. President, "have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years." Now, if the treaty-making power can make a law, as is contended by the objectors to this bill, that imposes on Congress the duty of appropriating money, on the same principle they can certainly make a law, by treaty, to raise and support armies. Having reference to the usages of nations, nothing is more common in treaties of alliance than stipulations for keeping up a standing military force. The constitution has, however, in this Government, intrusted the power of raising armies, to Congress alone. Nay—the House of Representatives are made the especial guardians against the misuse of this high trust. The appropriations are limited to two years. A new House of Representatives must assent to their longer continuance. What becomes of this important check, if the treaty-making power is magnified into a high and sovereign legislative authority? But some gentlemen have confined it to international concerns. But their objection to this bill extends it to concerns that are national. They contend the treaty is a law, without the consent of Congress; if so, it goes to impair the revenue, by a very considerable diminution of the duties on imports and tonnage. My friend from South Carolina, (Mr. TAYLOR,) yesterday justly remarked, that we had heard much about legislative pledges of faith to the public creditors; and he had been taught to believe, that when made by both Houses of Congress, they could not be violated, but by consent of both. Reject this bill, and the Senate withdraw the pledge, without the consent of the House, and have no power to originate a substitute. If then the doctrine, that the treaty-making power is a paramount power, exclusively vested in the President and Senate, with no other limit than their discretion as to what are fit objects for it to act upon, and that their ratification binds the nation, as gentlemen have contended, all the limitations on the legislative power in the constitution are frivolous, to say no more, and nugatory. If treaties, when ratified merely, are the supreme law of the land, the amendatory clause in the constitution is of little value. When a treaty is made a law, by sanction of the authority of the United States, whatever that authority may be found to be, it becomes a pact, binding on this nation as a contracting party, till the other party infracts the covenant, or it is done by us by act equivalent to that of war. These may be of lasting effect, and thus the President and Senate may even preclude the benefit of amendment. Thus too must be opened, if gentlemen's construction is true, a broad and extensive field for gradual and dangerous encroachments on the liberties of this people.

In the second article, Mr. President, we find it provided, that "the Executive power shall be vested in a President of the United States of

America;" all power to make laws, to carry into effect any power vested in the Government, or any department thereof, is vested in Congress. Executive power is a power that has "the quality of performing active, not deliberative, not legislative." No two powers can be in their nature more distinct; nay, even more opposite. In the constitutional allotment of the Executive duties, this distinctness is preserved with great precision. "The President shall be Commander-in-Chief of the Army and Navy, and of the militia when called into actual service;" but, "Congress shall pass laws for calling out the militia, governing," &c. The duty of the President is strictly executive. He shall have the power, by and with the advice and consent of the Senate, two-thirds of the Senators concurring, to make treaties; and he shall nominate, and by and with the advice and consent of the Senate appoint ambassadors; and shall take care the laws be faithfully executed. I cannot find, by the remotest implication, any authority, either in the general grant, or in the enumeration of Executive powers given to the President, or conjointly to him and the Senate, any thing like legislative authority, except, indeed, it be drawn from the cabalistic words *make treaties*. On the simple verb *to make* gentlemen rest their construction to deprive the House of Representatives, the most confidential branch of the Government, of their voice in making laws of the land. As well might it be said the appointment of an ambassador had the effect of law, and his outfit and salary followed as matter of course. *Make*, we understand, is equivalent to, "to form of materials." As soon, then, as the elements of a treaty are embodied, the stimulus of ratification is to give life and activity to the instrument, beyond the control of the people's representatives, though ever so subversive of their rights. But gentlemen attempt to extend their ground of construction, by referring to the sixth article, which reads, "this constitution, and the laws of the United States, which shall be made in pursuance thereof, and all treaties which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby." The words "under the authority of the United States," have been conveniently passed over, or slightly noticed. They are not surplusage—their meaning is important—a treaty not made under the authority of the United States shall not be the law of the land. Here it is plain and palpable the legislative authority is included, else why all the checks and limitations on that authority?

The judicial power is to extend to "all cases in law and equity arising under the Constitution, the laws of the United States, and treaties which shall be made under their authority." Thus, twice is enumerated, in what order the constitution, the laws, and treaties made under the authority of the United States, shall stand. In both cases it is precisely the same, treaties

are in the third place. To make them obligatory on the State judges, they must be sanctioned by the authority of the United States. The House of Representatives have by solemn and deliberate act emphatically declared, in their opinion, the commercial convention with Great Britain will not have been made a law of the land under the authority of the United States without the consent of the Senate and House of Representatives in their legislative capacity. This at least proves the competency of the treaty-making power doubtful—where doubts exist, it is the safer way to remove them, when it can be done. If the most numerous, and not the less enlightened branch of the Legislature doubt, may not the State judges doubt, and thus a case arise where one authority conflicts with another about what is law? The remedy for this evil is easy, is safe; render to the legislative authority what is its due.

Mr MACON, of North Carolina, said, as the reading of the bill which had passed the Senate twice on the same day, had been noticed, and that, too, with reference to a rule which made it necessary for the second reading to be by the unanimous consent of the House, he felt it his duty to state, that when it was read the second time, it was not on his table, and that while it was reading the third time, it was laid on it wet, not in time to be read before the bill was passed. He did not object to the third reading, because he had but a few days before taken his seat, and did not like so very soon to be the only objecting member to that which appeared to be the general wish of the Senate. He did not blame any one for the reading of the bill twice on the same day that it passed; if blame attached to any person it was to himself. He had frankly stated the grounds on which he acted; perhaps it might be a sort of false delicacy. He considered it due to the Senate to say that, when, on the next day, he objected to the reading of a bill a second time on the same day, it was done under the painful recollection of what had taken place the day before, and with no view to delay the public business, or to thwart the inclination of the Senate.

Mr. M. said, as he was now up, he should give some of the reasons which would induce him to vote for the bill from the House of Representatives—in doing which he promised to be very short. He agreed with the gentlemen who differed with him as to the propriety of passing the bill, that the constitution should be so construed as to give to every part its full effect, and to every department of the Government the power allotted to it, and that no department should attempt to encroach on the power delegated to another. If one should unfortunately make the attempt, he would add that it ought to be immediately resisted. With respect to what had been said about the House of Representatives, he would only observe that he had been a member of it, and never witnessed an attempt to encroach on the powers delegated to others; nor did he believe a case could be found

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which would establish the fact that the attempt had been made. The time of their service forbids it. The attempt will never be made by either House, unless there shall be much of what is called the spirit of the corps among the members, and two years is too short time for much to be acquired. Certainly a great deal more may be acquired in six; nor can it be supposed that the numbers of that House can so readily acquire it as the few of this. The time of service is as one to three, and the number of members somewhere about five to one. The time of service is two years shorter than that of the President, and that of the Senate two years longer; it would, therefore, seem that if any two of the legislative departments were to combine (he spoke only of the qualified legislative character of the President) to encroach on the powers delegated to the other, that the time of service would be a great consideration in forming the combination, and that would be sufficient to prevent the House of Representatives from being one.

If the treaty-making power be as great as has been contended for, it appeared to him that the House of Representatives had but two powers which might not be taken away by it, neither of which were of the most pleasant kind—one to impeach, the other to originate revenue bills. The last mentioned, the late treaty has slightly and indirectly touched. If the assent of the House be not necessary to repeal the law imposing higher duties on foreign ships, and goods imported in them, than on American ships, and goods imported in them, the treaty does not originate a revenue bill, but it lessens the tax on foreign ships, and goods imported in them, according to the opinion of those who oppose the bill, and that too pledged for the payment of the public debt. To lessen a tax seems to be about the same thing as to repeal a higher and lay a lower tax on the same article. If the President and Senate can lessen one tax by treaty, they most assuredly can every one. Of what value, then, is the power to originate revenue bills, or legislative pledges for the payment of the debt, if the two departments of the Government which cannot originate a revenue bill, nor of themselves pledge the revenue, can, by treaty with a foreign power, reduce the taxes, and, to the amount reduced, do away the pledge. To make such a power work well, it ought to have the authority to originate revenue bills, pass and pledge them, or to compel the House of Representatives to give their aid to carry their measures into execution. The House of Representatives, like every deliberative assembly, cannot act under compulsion, but must act, to act rightly, according to its own judgment and discretion. If a treaty can reduce a tax without the consent of the House of Representatives, why not raise one? Nothing seems more clear than that it ought to require the same power to do either of the acts. But to make this, if possible, more plain, he would ask what would have been thought of the constitution at the

time it was considered and debated in the State Conventions which adopted it, if, at the end of the article which delegates legislative power to Congress, not to the President and Senate, a clause had been added to this effect, that the President and Senate might, by a treaty with a foreign Government, repeal whatever acts Congress might pass? If they can repeal one, they may every one; and if they can reduce the tax before mentioned, they can undoubtedly repeal it; and if the treaty-making power can of itself rightfully act on one of the powers delegated to Congress, it can on all. If the construction which the friends of the bill oppose be the true one, then the constitution would not have been changed by the supposed additional clause. The gentleman from Virginia will pardon me for saying, that no clause can be found in the constitution which secures to the House of Representatives, or to Congress, the sword and the purse, if the power to lay and collect duties and imposts, and to regulate trade, is not. Every power delegated to Congress is in the same article. There is no exception in favor of the sword or purse; if the treaty-making power includes one, it must all, for all are granted alike. The late treaty touches the purse to the amount of the tax reduced.

If the assent of Congress be not necessary to equalize the duties on foreign and American ships and goods imported in them, why pass the act of the last session, which contains the principle of the bill, and ought to be considered as settling the question? The bill ought now to pass, or the act, to say the least of it, was useless; because the treaty-making power could do of itself that which the act proposed to foreign Governments. According to his construction, which gave to every part of the constitution its full effect, and to every department of the Government the power granted to it, the reason was obvious; it was one of the subjects, the power over which had been granted to Congress; it was therefore necessary that Congress should act, as it ought always, in every such case; nor was there any just cause to apprehend a difficulty in making treaties under this construction; indeed, he thought the chairman of the committee (Mr. BRAN) to whom the bill had been referred had satisfactorily shown, that, in practice, the construction he contended for had been adopted, and that no inconvenience had been discovered by experience. Suppose the constitution to be of more doubtful construction than it really is, and the practice not settled, ought not that construction and that practice to be adopted which would best accord with its principles, and of course be best calculated to promote the general welfare; and would not such construction and such practice recommend the passing of the bill? The question is not, however, one of expediency, but whether the construction makes the bill necessary. It is my endeavor to show that it does. The construction contended for is warranted by that great principle which characterizes all the American

Governments—that the majority shall govern; the ratification of a treaty by two-thirds of the Senate under the present constitution, and by nine States under the old confederation, as well as the provision for the adoption of the constitution by nine States, he believed were all bot-tomed on that principle. This he thought would satisfactorily appear by attending to the number of Representatives apportioned to the States. By the Convention which framed the present constitution, the whole number was sixty-five, of which Massachusetts had eight, New York six, Pennsylvania eight, and Virginia ten; this supports the opinion advanced, that any nine States under the Confederation were supposed to contain a majority of the people; hence, under that Government it required nine of the thirteen States to ratify a treaty; and this also accounts for the two-thirds in the Sen-ate. The fixing on this number was doubtless to secure the same principle when the new States should be admitted into the Union, and the few cases in which the House of Representa-tives were not to act; but not to alter or change the power granted to any department of the Government; certainly not to give the treaty-making power an authority over the revenue, because, from the rule by which Representa-tives was apportioned, and the admission of new States into the Union, it would readily have occurred that this might give the whole power delegated to the Government to a minority. Such an oversight will not be imputed to the Convention. In fact, if a treaty can do away a law, which it required Congress to pass, it fol-lows that a minority of the nation, by their Sen-ators and the President, can undo that which a majority by their Representatives in every de-partment of the Government had done. To be convinced of this, it is only necessary to attend to the rule by which Electors to vote for the President are apportioned among the States; and to the fact, that two-thirds of the States, the smallest certainly, have not a majority of the people. Any construction which gives this power to a minority, is a departure from the great American principle before stated, that a majority shall govern. Is it possible, Mr. Pres-ident, that the wise and good men who formed the constitution intended that a minority should govern, and that, too, by the treaty-making power?

Every Government treating with another, is supposed to understand the treaty-making pow-er of the Government with which it treats, no matter where lodged, whether in the Executive alone, or in the Executive and Legislature jointly. In England, when the King, by treaty, promises to pay money, every Government in Europe knows that he cannot pay it without the consent of Parliament, and that he must apply to that body for it, whether an article be in the treaty or not for such application.* So

well established is the rule, and so well do Governments understand the power of each other, that France never complained after she had made treaties with the old Congress, in the year 1778, that Congress had no constitutional authority to make or execute treaties. There was no doubt of the fact, because the articles of Confederation were not adopted by the States till the year 1781.

If in every case a treaty is law as soon as it is ratified by the President, the word law must have two different and distinct meanings in the constitution, or money may be drawn from the Treasury by a treaty appropriation. The words are, no money shall be drawn from the Treas-ury but in consequence of appropriations made by law; not by acts of Congress or treaties, but law; and acts and treaties are both law. Then both may appropriate and both draw money from the Treasury; this construction gives the treaty-making power in the United States more authority than it has in England. The late treaty will prevent money from going into the Treasury; it might with as much propriety have drawn money out of it; if he was mis-taken, the treaty-making power was only limit-ed by the constitution; it might treat on any and every power delegated to the General Gov-ernment; it might make and execute a treaty of subsidy; in fact, it might put the nation in a state of war, which Congress alone have the power to declare; and according to treaty law, a part of the difficulty on this important and interesting question has no doubt been produced by an improper construction of that part of the constitution which delegates power to Congress to declare war; under this power, Congress had passed a law to declare war, whereas, ac-cording to his understanding, it only required a statement made, after the manner of the civil-ized world, of the causes which produced the declaration; to a war thus declared, a Treaty of Peace properly put an end; there would be no law to prevent it.

Mr. Jefferson's letters, when Secretary of State, on the Treaty of Peace of 1783, with Great Britain, had been introduced to show that he understood that treaty to be the law of the land, and that it was so understood in the nation, and that under Mr. Jay's treaty the people at Detroit held land. With respect to

it. Treaties which were of a nature to require the payment of money—as for acquisitions of territory, either from for- eign powers or our own Indian tribes—were first authorized by a legislative act, originating in the House of Representa-tives, (where all revenue bills are to originate;) and it was not deemed a compliance with that intention of the consti-tution to submit the appropriation to Congress after the treaty had been formed: for, after that, the House was no longer left to its free and untrammelled discretion. The treaty had then become an executive measure; and, of course, supported by all the influence of the Executive—al- ways great; and by fear of what might happen if an ex- ecutive engagement with a foreign power was not carried into effect.

* And our constitution was intended to be the same, and was so understood and practised upon by those who made

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the treaty of 1783, it is only necessary to observe, that the old Congress had power to make treaties, but none to execute them; the execution depended entirely on the Governments of the States, who did as they pleased. He thought no argument could be drawn from any fact connected with that treaty against the bill. The treaty of Mr. Jay, so far as it related to the people at Detroit, and every thing which has since been done touching the boundary line, ought to be considered, as it certainly was, a continuation of the Treaty of Peace in the year 1783, with the intent to its full and fair execution. The people at Detroit were, at the time of that treaty, in the same situation that the people of the other parts of the nation were in the year 1783. The Whigs, with their property, remained in the United States, and the Tories with theirs, left them. A foreigner holding land under Mr. Jay's treaty, held against State laws, and not against the laws of the United States. This is provided for in the constitution; it has not, therefore, any bearing on the point in debate. The case of Louisiana has also been mentioned, with the intention to show the opinion of Mr. Jefferson and the then Congress; it was only necessary to add, to what had been said by the gentleman from Georgia, that whoever would be at the trouble to examine the Message of Mr. Jefferson, communicated to the House of Representatives with the treaty by which the country was acquired, will see the reason why both the acts noticed were not passed at the same time, and that he expressly calls for legislative aid to carry it into execution. A similar call was made in the case of the British Treaty finished under his Administration. It is confidently believed that neither of the cases show his or the opinion of Congress to be against the construction for which the friends of the bill contend; but, on the contrary, that both support it.

He agreed with the gentleman from South Carolina, (Mr. TAYLOR,) that ours is a Government of suspicion; every election proves it; the power to impeach proves it; the history of Cæsar, of Cromwell, and Bonaparte, proves that it ought to be so to remain free. He promised to be short, and would sit down.

Mr. CAMPBELL, of Tennessee, said this subject had assumed a degree of importance, from the course the debate had taken, to which, at first, it did not appear entitled. As he differed in opinion from some of the gentlemen who spoke on each side of the question, he deemed it a duty, though it had not been in his power, from a cause known to gentlemen, to give the subject that consideration to which it was entitled, to lay before the Senate a brief view of the grounds on which he should act.

It may be proper, said Mr. C., to inquire in the first place, what the subject is on which we are called to legislate. A treaty has been made by the proper authorities, containing provisions relating to commerce, which affect your fiscal regulations, and may diminish your revenue;

the Chief Magistrate of the nation, under whose instructions it was negotiated, and to whom is intrusted, by the constitution, the "faithful execution" of the laws, lays it before you, and "recommends such legislative provisions as it may call for on the part of the United States." On the one side it is contended, that no legislative enactment is necessary; that the treaty is complete, and may be executed by the proper officers and tribunals of Government; and some have gone so far as to assert, that not only this, but every other treaty, constitutionally made, is complete without the aid of a law; and repeals all laws opposed to its provisions. On the other it is insisted, that this treaty cannot be executed without a law to carry its provisions into effect; and on this side some have contended, that no treaty affecting existing laws is complete without the sanction of a legislative act, at least repealing those laws opposed to its provisions. He could not, Mr. C. said, agree to the doctrine advocated on either side of this question, carried to the extent contended for. A fair construction of the several clauses of the constitution, relating to this subject, would not, in his opinion, support it.

It may be proper here, said Mr. C., in order to a more distinct understanding of the question under discussion, to inquire:

1. What a treaty is, independent of the character given it by the constitution? and,
2. What it becomes in virtue of that character?

1. A treaty, independent of the character given it by the constitution, may be stated to be, a compact between two or more independent States, mutually binding on, and pledging the faith of each, for the performance of the stipulations it contains. The manner in which these stipulations shall be carried into effect, must depend upon the nature of the governments of the respective States. If the Executive and Legislative powers are vested in the same person, as in the case of a despotic Government, the promulgation alone of the treaty may be considered as at once giving it all the binding force requisite to the full execution of its provisions; the fiat of the despot carrying with it Legislative as well as Executive sanction. In such a case, the power that negotiates a treaty executes it; and the question now before you cannot arise. But it is otherwise with Governments differently organized. Where the legislative power is vested in a branch of the Government distinct from that exercising the Executive power, a treaty made by the latter requiring legislative provisions for its fulfilment, can only pledge the faith of the nation that its Legislature will enact the laws requisite for that purpose; and in such case it must rest on the will of the Legislature, whether the treaty shall be carried into effect or not. Thus, in England, no treaty containing stipulations, materially affecting the interests of the nation, is carried into effect, without being laid before Parliament for its sanction, and for such le-

gislative enactments as its provisions may require.

This difference, in the manner of executing the provisions of a treaty by different Governments, according to the organization of each, is not necessarily productive of any injurious consequences. At the time a treaty is formed, the nature of the Governments, parties to it, is known; and the confidence reposed in the fulfilment of its stipulations, must depend on the reliance placed in the national faith which is pledged by it. Each party agrees to it with a distinct understanding, that its full execution depends upon the concurrence of the proper departments in each Government, in adopting the requisite legal provisions for carrying its stipulations into effect; and knowing at the same time, that if one party fails to execute its provisions, the others are no longer bound thereby. From this view of a treaty, considered independent of the constitutional provision, it does not seem to possess the power ascribed to it, of repealing existing laws opposed to its provisions, or of going into operation in all cases, without the aid of legislative enactment.

He would next, Mr. C. said, inquire,

2. What a treaty became in virtue of the character given to it by the constitution?

That instrument declares, that "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby; any thing in the constitution or laws of any State to the contrary notwithstanding."

On the one hand it is contended, (said Mr C.,) that by this provision a treaty is made paramount to all existing laws of the United States, as well as to the laws and constitutions of the several States, and at once repeals, or at least removes out of its way, such as are opposed to its stipulations; on the other, that it is paramount only to the constitutions and laws of the respective States, and cannot, without the sanction of the National Legislature, control a law of the General Government.

But, though it may be assumed, as sufficiently clear, that the President and Senate possess all the powers requisite to make a treaty complete, which may be carried into effect as a law without legislative aid, it is considered as equally clear, that their authority to do so extends to such cases only wherein the subjects to which it relates are clearly within the treaty-making power. For, when the framers of the constitution delegated this power, they must have had in view those subjects only which properly belonged to it; and it cannot be supposed to have been their intention that it should be extended to such subjects as lay more properly within the sphere of the general legislative powers previously vested in Congress. The portion of legislative authority embraced in the treaty-making power, must be viewed as delegated for particular purposes only, and in

its exercise limited to those purposes alone. Thus circumscribed in the range of its operations, there can be no ground to apprehend its encroaching on the functions of the National Legislature.

From this view of the subject, it results, as a necessary conclusion, that some treaties become complete, and go into effect as laws of the United States, without legislative aid, while others are incomplete without such aid, and only pledge the faith of the nation that the requisite legislative acts will be passed for carrying their provisions into effect. It would be difficult to designate all the cases in which a treaty would or would not require legislative aid to execute its provisions. To prescribe precise limits to the powers of the different departments of Government, would be an undertaking of the utmost difficulty, as well as of importance; and when attempted, the subject should be touched with a delicate hand. For, when the powers to be exercised by different authorities are in their nature the same, and separated by an ideal line only, depending on construction, and incapable of exact delineation, there will most generally be a certain intermediate space between them, which may be viewed as a kind of disputed ground, liable to be occupied alternately by the one or the other. To circumscribe this within as narrow limits as practicable, is a desirable object, and all that can be reasonably expected. Without, therefore, attempting to describe the precise line of demarcation between the legislative and treaty-making powers, the following positions may, it is believed, be assumed as generally correct: that when a treaty relates to such subjects only as are clearly embraced by the treaty-making power, and does not affect those expressly placed under the direction of the legislative department, it becomes, when duly ratified, a law of the United States, and may be executed by the proper tribunals without the aid of legislative enactment; but in all other cases, as where it relates to any subject placed under the peculiar direction of Congress, or which lies more properly within the sphere of legislative functions, or so far as it relates to any such subject, it does not become a law, nor go into effect without legislative aid, and can be considered in the nature of a compact only, pledging the national faith that the requisite legislative acts will be passed for carrying its provisions into effect. This view of the subject (Mr. C. said) he submitted with great deference; but he conceived that, by considering a treaty in this double character, the several provisions of the constitution could be best reconciled, and the objects of its framers carried into more complete effect.

This view of the subject will also be found to be supported by former usage, as well as precedents in similar cases. Many instances had occurred, as could be shown from your statute book, of treaties relative to subjects only properly within the treaty-making power, or so far as they relate to such subjects, going into opera-

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tion without the aid of legislative enactment. To some of these, Mr. C. said he would refer. The treaty made with Spain in 1795, establishing the southern boundary line of the United States, and containing other important provisions, was carried into execution by Executive authority, except the 10th article, which related to duties, (and will hereafter be noticed,) without the aid of legislative enactment. The treaty with France of 1803, for the cession of Louisiana, was also executed by Executive authority, except so far as it related to duties and internal regulations, &c., and possession of the ceded country taken, without legislative aid. In addition to these he would mention, as a precedent in point, the late Treaty of Peace with Great Britain, which had been fully executed, and no one had suggested the necessity of legislative aid for the purpose. A number of treaties with the Indian tribes had, during the present session, as well as on former occasions, gone into operation in like manner; and many other instances, equally strong, might be adduced; but those referred to were deemed sufficient for the present purpose.

On the other hand it would appear, Mr. C. said, that when a treaty related to subjects properly belonging to the legislative department, or placed by the constitution under its immediate direction, or so far as it related to such subjects, legislative enactment had been deemed necessary to carry its provisions into effect. To establish this, it would be sufficient to refer to a few cases, though many others existed and could be adduced. In the treaty with Great Britain of 1795, already referred to, the 8d article regulates the commercial intercourse between the citizens and subjects of the two contracting parties residing on each side of our Northwestern boundary line, and establishes the duties that shall be demandable. By the act passed in 1799, this intercourse, and the duties to be collected according to said article, were regulated. By the 7th article of the treaty of 1803 with France, already referred to, the vessels of France and Spain, laden with the productions of their respective countries, to be admitted for twelve years into the ports of the ceded territory in the same manner as vessels of the United States, &c. This was a parallel case with the present; it related to duties—it might affect the revenue. In 1804, a law was passed for carrying this provision into effect. Some difficulties arising in regard to the execution of the 10th article of the treaty of 1795, with Spain, before referred to, an act was passed in 1805, for the avowed purpose of carrying into complete effect the provisions of that article. Without pursuing this inquiry further, the instances adduced, Mr. C. said, appeared to him sufficient to support the construction contended for, so far as usage and precedent could have that effect.

What, then, inquired Mr. C., is the case before you? By this treaty the discriminating duties are to be abolished; the additional duty on the

tonnage of foreign vessels, as well as on the goods imported in such vessels, is no longer to exist. This may affect, may diminish your revenue and render necessary the imposition of new taxes to support the public credit, and maintain the national faith. Should not then the other House, immediate representatives of the people, exclusively intrusted with originating revenue bills, be allowed to act on the subject?

It may here be asked whether it be competent to the House of Representatives, in cases requiring legislative aid for executing the provisions of a treaty, to decide on the policy of such treaty; and in case of disapproving it, prevent its going into effect, by refusing the aid required? This is a question which once agitated the great political parties in this country, but which it may not be necessary to discuss on the present occasion, as no difference of opinion appears to exist respecting the policy of carrying this treaty into effect. As the subject, however, had been referred to, he would (Mr. C. said) very briefly state the view in which it appeared to him. When a treaty is concluded requiring legislative aid to execute its provisions, the House of Representatives is undoubtedly bound to afford that aid by all the obligations which the pledged faith of the nation can impose, as well as by the considerations arising from the importance to the national character of having the public faith, so pledged, preserved inviolate; but, on the other hand, the members of that body must take into consideration the constitution under which they act, and which they are bound to support; the great interests of the nation, and how far they may be affected by the treaty in question; and, weighing all these considerations, must have the right, subject only to the responsibility they impose, to act as free agents, to exercise their free will, and grant or refuse the aid required according to the best judgment, guided by a single view to the public good, they are able to form on the subject. If their assent be necessary to give effect to, and execute a treaty, they must have the power, the right to grant or refuse that assent. If they have no right in any case to deliberate on the laws requisite to execute a treaty, they can no longer be viewed as the representatives of a free people, delegated to express their will, or as the guardians of their rights, but only as the instruments of the treaty-making power, the mere registers of its edicts. But is there any danger to be apprehended to the Government, to the public interest, from the view which has been taken of this subject? Is it not consistent with the plan, the spirit of the constitution, which makes the different departments of Government operate as checks on the conduct of each other, and thus guard against a dangerous preponderance being acquired by either?

FRIDAY, JANUARY 19.

Commerce with Great Britain—Treaty-making Power.

The Senate resumed the bill, entitled "An

act to regulate the commerce between the United States and the territories of His Britannic Majesty, according to the convention concluded the third day of July, 1815; and the ratifications of which were exchanged on the 22d day of December, 1815."

And the question recurring, "Shall this bill be read a third time?" it was determined in the negative—yeas 10, nays 21, as follows:

YEAS.—Messrs. Bibb, Condit, Lacock, Macon, Morrow, Roberts, Ruggles, Taylor, Varnum, and Wilson.

NAYS.—Messrs. Barbour, Barry, Brown, Chace, Daggett, Dana, Fromentin, Gaillard, Goldsborough, Horsey, Howell, Hunter, King, Mason of New Hampshire, Talbot, Tait, Thompson, Tichenor, Turner, Wells, and Williams.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

The accompanying extract from the occurrences at Fort Jackson, in August, 1814, during the negotiation of a treaty with the Indians, shows that the friendly Creeks, wishing to give to General Jackson, Benjamin Hawkins, and others, a national mark of their gratitude and regard, conveyed to them, respectively, a donation of land, with a request that the grant might be duly confirmed by the Government of the United States.

Taking into consideration the peculiar circumstances of the case—the expediency of indulging the Indians in wishes which they associated with the treaty signed by them, and that the case involves an inviting opportunity for bestowing on an officer, who has rendered such illustrious services to his country, a token of its sensibility to them—the inducement to which cannot be diminished by the delicacy and disinterestedness of his proposal to transfer the benefit from himself: I recommend to Congress that provision be made for carrying into effect the wishes and request of the Indians, as expressed by them.

JANUARY, 18, 1816.

J. MADISON.

The Message, and accompanying extract, were read, and referred to the committee appointed, the 7th of December, on the memorial of the Legislative Council and House of Representatives of the Mississippi Territory.

MONDAY, January 22.

ARMISTEAD T. MASON, appointed a Senator by the Legislature of the Commonwealth of Virginia, in place of William B. Giles, resigned, arrived on the 20th instant, and this day produced his credentials; which were read, and the oath prescribed by law was administered to him, and he took his seat in the Senate.

WEDNESDAY, January 31.

Tax on Bank Notes and other Articles.

The bill entitled "An act, continuing in force certain acts laying duties on bank notes, refined sugars, and for other purposes," was read a third time; and amended by unanimous consent.

MONDAY, February 5.

ROBERT G. HARPER, appointed a Senator by the Legislature of the State of Maryland, from the 29th of January, 1816, to the 3d of March, 1821, produced his credentials, which were read; and the oath prescribed by law was administered to him, and he took his seat in the Senate.

TUESDAY, February 6.

Salt Duty and Fishing Bounties and Allowances.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to continue in force an act, entitled 'An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries;'" and on the question, "Shall this bill be read a third time?" it was determined in the affirmative—yeas 23, nays 6, as follows:

YEAS.—Messrs. Barry, Bibb, Brown, Campbell, Chace, Condit, Gaillard, Horsey, Howell, Hunter, King, Lacock, Mason of New Hampshire, Mason of Virginia, Morrow, Ruggles, Sanford, Tait, Talbot, Taylor, Wells, Williams, and Wilson.

NAYS.—Messrs. Goldsborough, Macon, Thompson, Tichenor, Turner, and Varnum.

WEDNESDAY, February 14.

British Depredations.

MR. BARBOUR, from the Committee on Military Affairs, to whom were referred the petitions of Nicholas Boilevin, of John de Lassize, and of Jumonville de Villiers and others, praying compensation for losses sustained by the depredations of the enemy in the late war, made an adverse report thereon; which was read, and is as follows:

That no doubt exists on the minds of the committee as to the truth of the facts disclosed in the petitions; the losses complained of, resulting from a barbarous warfare carried on by the ferocious inhabitants of the wilds, as well as by the regular forces of His Britannic Majesty, have been most severe on the unfortunate petitioners. Whether it becomes the magnanimity of a Government whose only object should be the protection and prosperity of all its citizens, to dispense relief in cases like these, and thereby to cause the war to fall equally on all, is a question which the committee believe is placed beyond their cognizance, in consequence of the course heretofore pursued by Congress in regard to losses sustained during the war—a course which seems to inculcate that indemnity is due to all those whose losses have arisen from the acts of our own Government, or those acting under its authority; while losses produced by the conduct of the enemy are to be classed among the unavoidable calamities of war, and do not entitle the sufferers to indemnification by the Government. The losses of the petitioners belong to the latter class, and therefore the committee, yielding to what is believed to be the settled purpose of Congress, have agreed to the following resolution:

Resolved, That the petitions of Nicholas Boilevin, John de Lassize, and Jumonville de Villiers, and others, are unreasonable, and ought not to be granted.

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Robert Fulton's Heirs.

[SENATE.]

WEDNESDAY, February 21.

Virginia Military Bounty Lands.

The Senate resumed, agreeably to special order, the consideration of the report of the committee to whom was referred the resolution relating to the claims of the officers and soldiers of the Virginia line, on State and Continental Establishment for bounty lands, which recommends that provision should be made by law, for satisfying the claims for land bounty of the officers and soldiers of the said State, on her own establishment; and after debate, on motion by Mr. MASON, of New Hampshire, the further consideration thereof was postponed to the first Monday in March next.

On motion by Mr. MASON, of New Hampshire, the further consideration of the bill to ascertain and establish the western boundary of the tract reserved for satisfying the military bounties allowed the officers and soldiers of the Virginia line, on Continental Establishment, was postponed to the first Monday in March next.

THURSDAY, February 22.

Death of the Representative, Elijah Brigham, Esq.

A message from the House of Representatives announced to the Senate the death of the honorable ELLIJAH BRIGHAM, late a member of the House of Representatives, from the State of Massachusetts, and that his funeral will take place to-morrow, at twelve o'clock.

On motion by Mr. VARNUM,

Resolved unanimously, That the Senate will attend the funeral of the honorable ELLIJAH BRIGHAM, late a member of the House of Representatives, from the State of Massachusetts, to-morrow at 12 o'clock; and, as a testimony of respect for the memory of the deceased, they will go into mourning, and wear a black crape round the left arm, for thirty days.

MONDAY, February 26.

Abolition of Slavery.

Mr. ROBERTS also presented the memorial of the American Convention for promoting the abolition of Slavery, recommending the adoption of certain measures for the promotion of the interests of that unhappy class of their fellow beings, involved in the thralldom of slavery, as stated in the memorial; which was read, and referred to a select committee, to consist of five members; and Messrs. ROBERTS, KING, RUGGLES, MASON of Virginia, and CHACE, were appointed the committee.

Robert Fulton's Heirs.

Mr. KING presented the petition of Harriet Fulton, widow and executrix of the late Robert Fulton, praying the extension of his patent, as inventor of a method of navigating vessels by the agency of fire and steam, for reasons stated in the petition; which was read, and referred to a select committee, to consist of five members; and

Messrs. KING, DAGGETT, MASON of Virginia, MORROW, and CHACE, were appointed the committee.

The memorial is as follows:

To the honorable the Congress of the United States:

The petition of Harriet Fulton, widow and executrix of the late Robert Fulton, humbly represents:

That the said Robert Fulton, on the 11th day of February, 1809, and on the 9th day of February, 1811, obtained two patents from the President of the United States, as the inventor of a method of navigating vessels by the agency of fire and steam; and departed this life on the 28d day of February last, leaving your petitioner and four young children dependent on his said invention for support, and a large debt, which arose from his unwearied and expensive efforts in prosecuting and perfecting this great improvement.

That notwithstanding various attempts have been made to propel vessels by the power of steam, yet he was the first person who established its practical effects in navigation. It is unnecessary to expatiate on the advantages of this important discovery; they are particularly felt and acknowledged in all parts of the civilized world. America, peculiarly favored in the number, magnitude, extent, and importance of her navigable waters, must look for her highest prosperity in her internal communication and trade; and it is now undeniably established that steam vessels can surmount difficulties heretofore considered insuperable; that neither tide, nor wind, nor current, can arrest their course; and that for velocity of progress, economy of transportation, and facility of communication, they are superior to all competition.

It is well known to your honorable body that all great improvements in human affairs are the result of patient investigation and elaborate industry; that, in their origin, their progress, and final perfection, application must be associated with genius; and, particularly in those beneficial inventions which are connected with combinations of mechanical powers, not only extraordinary faculties are required, but heavy expenses must be incurred, great risks must be sustained, and much time must be consumed, before they are brought to any perfection. The greatest benefactors of the human race have generally done but little for themselves; and, after having devoted their lives with indefatigable labor and with disinterested zeal to the general good, they have left no legacy to their posterity but an illustrious reputation.

Your petitioner is fully sensible of the delicacy of her situation; she is conscious that she may expose herself to the imputation of vanity; but surely the partiality of a wife will be pardoned, and the tender affections of a parent consulting the welfare of her children will be an apology. In order to support their cause, it is necessary to speak of their father, and, alas! all her recollections of his worth are embittered by affliction for her loss.

After the husband of your petitioner had obtained a patent for his invention, several years necessarily elapsed before he derived any revenue from it, and in the intervening time he was exposed to enormous expense. He, in consequence, left a debt exceeding \$150,000, which was incurred to raise the capital required for this complicated and expensive operation; neither was he in his lifetime, able to derive any profit from the sale of his patent right, but incurred great expense in defending it against charges and imputations that the same had not been regularly obtained, or that some formal requisite had been omitted; when, without his enthusiasm, industry, and

talents, this great improvement would, probably, have been lost to the world.

If the patronage of Government ought to be in proportion to the benefits diffused, then your petitioner can, without arrogance, appear before you, and solicit, in behalf of herself and her children, a liberal extension of his patent; for, without this indulgence, it will be impossible to derive any essential benefit from it.

It has been the policy of enlightened Governments in modern times to encourage the efforts of genius, and to hasten the progress of discovery, by exclusive privileges for definite periods; a limitation of time is, of course, prescribed as a rule of general application, during which it is presumed that the patentee will obtain a sufficient remuneration for his expenses, and for the benefits he has rendered to society; but, on extraordinary occasions, justice and expediency unite in favor of extending the time of the grant, and cases have frequently occurred where this indulgence has been obtained.

In Great Britain a patent for fourteen years was granted to James Watt for a newly invented method of lessening the consumption of steam and fuel in fire engines; an act of Parliament was, six years thereafter, passed, extending the privileges given by the patent to twenty-five years. Thus, Mr. Watt, for an improvement in steam engines, received from the munificence of the British Government exclusive privileges for thirty-one years. The case of Oliver Evans is well known; he obtained a patent for an improvement in the machinery of mills, and Congress afterwards passed a law extending the patent seven years; and, notwithstanding the acknowledged utility of those inventions, no one will contend that they ought to be placed on an equal footing with steam vessels.

But your petitioner's husband did not confine his views to this subject alone. The public defence occupied his utmost attention, and engaged his most anxious solicitude. During the late war he devised a steam frigate for the better protection of our cities and harbors. While superintending the execution of this impregnable fortress, he laid the foundation of the disease which terminated his life in a short period. And ought not the widow and the offspring of the man who has planned the means of protecting his country against its enemies to be placed above the pressure of embarrassment and the humiliation of dependence? For such services he never sought, or intended to receive, any remuneration from the Government.

Your petitioner thus confidently appeals to the justice and the bounty of your honorable body in behalf of the children of a man who died while zealously employed in the service of his country, and who has conferred the most extensive benefits upon the world. Let not the widow and the orphan plead to you in vain.

And your petitioner will ever pray, &c.

HARRIET FULTON.

NEW YORK, *January*, 1816.

SENATE CHAMBER, *March 14*, 1816.

DEAR SIR: An application has been made to Congress, in behalf of the widow and children of the late Mr. Fulton, for an extension of his patents for steamboats. As a popular opinion has existed that Mr. Fulton, before his death, had derived great profits from the privileges secured to him by these patents, and that his family will be likely to derive therefrom fur-

ther and great emolument during the unexpired term of the patents, I am directed by a committee of the Senate to which the petition from Mr. Fulton's family is referred, to obtain such information as is within our reach respecting the situation of the pecuniary affairs or estate of Mr. Fulton. If Mr. Fulton's family already possesses, or are likely to acquire, during the residue of the term of the patents, a liberal remuneration for his invention, there would seem to be no sufficient reason in favor of an extension of the patents; while, on the other hand, if such remuneration has not been, or is not likely to be received, during the unexpired term of the patents, such is the very great public utility of the steamboats which have been brought into use by Mr. Fulton, that a strong motive would be found to exist for a prolonging of the patents for the benefit of Mr. Fulton's family.

As Mr. Fulton lived in New York, the city of your residence, and was well known by you, it has occurred to me that it may be in your power to give to the committee some information on this subject.

With very great respect, I have the honor to be, dear sir, your most obedient servant,

RUFUS KING.

BROCKHOLST LIVINGSTON.

WASHINGTON, *March 14*, 1816.

DEAR SIR: Your favor of this date has just been delivered to me. I have no doubt that the opinion which prevails in respect to the profits made by Mr. Fulton out of his privileges secured by the steamboat patents, however general it may have become, is incorrect; at the same time, it is not at all extraordinary that such an impression should have gone abroad, as the gross receipts of the boats in which he was concerned were very large, and well calculated to excite such a belief. But those who make these calculations are not always competent to make them, and sometimes neglect or are unwilling to take into the computation the very large expenses attending such establishments. I should not have been able to form on this subject a more accurate estimate than others, had it not been for information derived from Mr. Fulton himself a very few weeks before his death. In a conversation with him on this subject, he assured me, and with very considerable emotion, that, notwithstanding the fortune which he was supposed to have made from his concern in steamboats, he had not yet paid for his share of them, but, on the contrary, was involved in so large a debt as to be induced to dispose of a great part of his interest in these patents, although I have since understood that a contract which he had entered into for that purpose had not been carried into effect at the time of his death. This statement has since been confirmed by Captain Bunker, who commanded the steamboat *Fulton*, who was very well acquainted with his affairs, and who has assured me that that gentleman died insolvent which is now the general opinion in New York.

Considering the expense of building a steamboat of any size, as well as that of running her, it is not very probable that Mrs. Fulton will derive any great emolument under the present patents, during the residue of their term. Prudent men will hardly be willing to incur so great an expense, when the privilege will so soon expire, and their profits be exposed to considerable diminution. Mrs. Fulton's friends have therefore reason to fear that, unless the extension now contemplated be obtained, but little profit

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Removal of Federal Judges on the Address of Congress.

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will be made by her during the term yet unexpired of these patents.

With very great respect, I have the honor to be, dear sir, your most obedient servant,

B. LIVINGSTON.

HON. RUFUS KING.

THURSDAY, March 7.

Removal of Federal Judges on the Address of Congress.

Mr. SANFORD submitted the following resolution; which was read, and passed to a second reading:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said Legislatures, shall be valid as part of the said Constitution, to wit:

The Judges of all the Courts of the United States shall be subject to removal from office, by the President and both Houses of Congress, when, in their opinion, the public good will be promoted by removal; but, in such cases, two-thirds of both Houses shall concur with the President in the removal.

American Navigation.

Mr. BIBB, from the Committee on Foreign Affairs, made a report on the subject of a system of navigation for the United States, and the report was read.

Mr. B., from the committee, also reported a bill to establish a system of navigation for the United States; and the bill was read, and passed to the second reading. The report is as follows:

The attention of the committee has been drawn to the policy of "confining the American navigation to American seamen" by the Message of the President of the United States. Two considerations, distinct in their character, are suggested in behalf of the measure—1st. As it might have a conciliatory tendency towards foreign nations; and, 2d. As it would increase the independence of our navigation and the resources of our maritime defence.

"An act for the regulation of the seamen on board the public and private vessels of the United States," passed the 3d day of March, 1813, prohibits the employment, as seamen, of the subjects or citizens of any foreign nation which shall prohibit the like employment of citizens of the United States. That act furnishes indisputable evidence of the conciliatory spirit of the national councils; and a corresponding disposition on the part of other Governments only is wanting to give it effect. The committee, however, deem it expedient to advance the independence of the navigation and resources of maritime defence of the United States, and for that purpose submit a bill to the consideration of the Senate. That the nature and extend of its provisions may be the more readily understood, the following outline of the existing regulations concerning commercial vessels, and of the proposed modifications, is presented.

Commercial vessels which are registered or enrolled according to the existing laws are denominated ships or vessels of the United States. For carrying

on trade with foreign countries, they are registered. For the coasting trade or fisheries of the United States, they are enrolled and licensed.

Ships or vessels built within the United States, or captured and condemned as prize, or adjudged forfeited for breach of law, and belonging wholly to citizens of the United States, may be registered or enrolled, if they are commanded by citizens either native or naturalized. Such vessels are regarded as belonging to the ports at or nearest to which the managing owners reside. And they are registered or enrolled in the offices of the customs for the districts which comprehend the respective ports.

When a vessel is registered, the ownership, name, description, and tonnage, being legally ascertained, are stated distinctly, with the name of the master, and entered in some proper book for a record or registry to be kept by the collector of the customs. A certificate of such registry is issued as evidence of ownership to accompany the vessel. In addition to the seal and signature of the Register of the Treasury of the United States, it is attested under the seal of the collector with his signature, and is countersigned by the naval officer or surveyor, where there is such an officer, for the port to which the vessel belongs. And a copy is transmitted to the Register of the Treasury.

The certificate of registry for a vessel to be employed in foreign voyages may continue in force so long as the ownership continues the same. On a change of property, if purchased by any citizen of the United States, the vessel is registered anew. When the master is changed, the collector of the customs is authorized to endorse a memorandum of such change on the certificate of registry.

As it concerns the maritime interests of the United States, therefore, it is of importance to establish a policy requiring the commercial vessels of the United States to be navigated principally by mariners of the country. With this view, it is considered proper to allow the privileges of American character to none but vessels navigated by American mariners as the law may require; to provide for ascertaining who shall be regarded as such mariners; and to make it requisite for vessels of the United States to have documents on board as evidence of being so navigated.

That the policy may be carried into effect without inconvenience, various particulars in a system of navigation must correspond to existing laws respecting the collection of duties, the ownership of vessels, or the government of persons in the merchant service or fisheries. Several regulations similar to those already in force are proposed to be incorporated.

The documents for vessels sailing on foreign voyages may supersede the use of any other certificates of citizenship for persons employed in navigating them. And it is proposed to repeal the section of the act of May, 1796, which has authorized the collectors to deliver certificates to individual mariners. Abuses which are known to have prevailed in relation to such certificates may be avoided by requiring proper documents to accompany the vessels.

MONDAY, March 11.

Mr. RUGGLES submitted the following motion for consideration:

Resolved, That a committee be appointed to inquire into the expediency of making provision for altering

the location of the road laid out from the foot of the rapids of the Miami River of Lake Erie to the western boundary of the Connecticut Reserve, so that the said road may pass through the reservation of two miles square on the Sandusky River; and also, whether any and what further provisions are necessary to be made for the surveying and sale of the public lands adjoining on the aforesaid road.

The bill incorporating the subscribers to the Orphan Asylum of the city of Washington, was read the second time.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act to change the mode of compensation to the members of the Senate and House of Representatives, and the Delegates from Territories;" also, a bill entitled "An act for the relief of Gustavus Loomis;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I lay before Congress a statement of the militia of the United States, according to the latest returns received by the Department of War.

MARCH 9, 1816.

JAMES MADISON.

The Message and statement were read.

Fulton's Patent.

The bill for the benefit of the widow and children of Robert Fulton, deceased, was next taken up:

Mr. KING proposed to postpone it to Wednesday; Mr. ROBERTS to recommit it.

In the little debate which took place, Mr. ROBERTS referred to the memorial this morning presented, as affording a reason why the bill should not pass, or at least should receive reconsideration in committee; he also incidentally remarked that there was no such evidence of cost in perfecting the invention, or want of profit from the use of it, as would support the claim for an extension of the patent, &c. To which Mr. KING replied, that the question of the validity of the original patent was one wholly of a judicial nature; it was one in regard to which Congress could neither take away nor confer privileges—the bill could extend no rights not vested by the patent, &c., and all questions arising out of the priority of invention, &c., belonged and must remain with the courts of justice. Mr. WILSON favored commitment, though favorable to the extension of the patent.

Mr. KING having withdrawn his motion for postponement, the bill was recommitted to Messrs. KING, MORROW, DAGGETT, CHACE, and ROBERTS.

TUESDAY, March 12.

Compensation Bill.

The bill from the House of Representatives,

to change the mode of compensation of the Senators, Delegates, and Representatives in Congress, was read the second time.

Mr. TAYLOR moved to refer the bill to the Committee of Finance.

Mr. BIBB opposed the reference. The principles embraced in the bill were not, he said, of a complicated nature, but such as might be determined without the formality of a reference to a committee. He confessed, that the bill was not exactly in the shape which he should prefer; but, as he thought it had decided advantages over the present system and rate of compensation, he should vote for it as it stood, and against any amendment which should be proposed. He should vote against any amendment, he said, because of the peculiar delicacy of the subject; and considering that the bill had been proposed by the House of Representatives, so much the most numerous branch of the Legislature, he was unwilling to have any controversy with that House about it. Amendments might hereafter be made by a supplementary bill, if found necessary in the course of the operation of the system.

Mr. TAYLOR said, that the course which he had proposed, was not different from that generally given to every bill coming from the House. It was the proper course to be pursued, for a variety of reasons: Suppose the salaries of other officers of the Government should be thought incompetent, the Committee of Finance might propose amendments to the bill calculated also to include them; for, he intimated, the passage of a bill to compensate ourselves alone, seemed to be too close an observance of the old but pithy adage, charity begins at home.

Mr. DANA said there was certainly something due to the delicacy of sentiment of the gentleman from South Carolina, which had induced him to make this motion. It being at all times a matter of delicacy to act on questions concerning our own compensation, Mr. D. said he did not wonder that, in his anxiety to avoid error on the one side, he should bend over too far in the other direction. In reference to the laws heretofore passed on these subjects, he said he found it had not been thought at all necessary to combine the compensation of Executive and Legislative officers; nor did he see why the members of Congress should measure their compensation by that of other officers of the Government. This question was one separate and distinct; it was a question of its own character, he said, and ought to stand alone. He was, therefore, opposed to commitment in order to amend the bill.

Mr. CAMPBELL said, as a member of the Committee of Finance, he was not aware that that committee could give any information to the Senate on the subject of this bill, which would enable it to act better than they could without it. The principle of the bill, he said, was a naked one, whether the compensation of the members should or should not be increased; the

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question in relation to the manner of compensation was also a single question. Mr. C. said he felt in so great a degree the delicacy which had been adverted to, that he would not say much on this subject. As to the argument that the salaries of some other officers of Government require an increase, he was not disposed to deny the fact; but, in addition to the reply that it was not necessary to connect that question with the one now before the Senate, he said the salaries of those officers had been raised since the compensation of the members of Congress had been fixed. Mr. C. did not profess himself to be an advocate for the manner of compensation proposed by this bill; he had serious doubts on the subject; but he thought proper to state, that this measure, having been adopted by the other House, which is considered generally as immediately responsible to the people for its acts, and the members of which pride themselves on being the purseholders of the nation, it appeared to him that this House was relieved from the necessity of probing the subject as closely as it might otherwise be proper. Not, he said, that he thought that the Senate was at all bound by their vote, but in this respect the other House was at least as responsible as this.

Mr. DAGGETT said, the question embraced by this bill was one which he should be always disposed to leave with the other House. He would not interfere, he said, to prevent that compensation which they should deem adequate to their services. He felt no reluctance in contending, and contending earnestly, with the House of Representatives, on questions such as that of the extent of the treaty-making power, the expediency and amount of a land-tax; indeed, on any question of a general nature; but, he said, there was an innate delicacy in the Senate's undertaking to say that the House of Representatives should not have a sort of control over questions like this. He was, therefore, disposed to take a bill of this nature, and pass it as soon as, according to the forms of the House, it could be done, and to have little said about it.

Mr. MACON did not consider this as a question of compensation. The question now to be considered was, whether the bill was calculated to carry itself into execution. In this view it was necessary to commit it, rather than with a view to any facts or principles connected with it. The details of the bill ought to be examined, in order to see whether any rule could be devised which would suit better than that embraced by the bill. Gentlemen who considered this bill so perfect that it ought not to be touched, so plain that he who runs may read, would of course vote against commitment. He confessed that he had not himself that distinct view of it. What relates to ourselves, he said, ought more than any thing else be made so plain, that no doubt could attend it. He should, therefore, vote to commit this bill, believing it might be improved. As to the rights of the two Houses,

Mr. M. said, they were equal. Each House had on such a subject the same rights as the other. The presumption was, and on that ground they ought to proceed, that if this House should make a bill from the other House better than as it came from them, the House of Representatives would concur in the amendment. This was the general practice; and, in adhering to it, he did not see how the Senate could be placed in a delicate situation in relation to the other House.

Mr. CHACE was also in favor of the commitment of this bill. He did not see, he said, why gentlemen should be ready to throw the burden of this measure (if a burden it was) on the shoulders of the House of Representatives. As regards the rate of compensation generally, every man must act on it, he said, from his own conviction. Mr. C. was himself clearly of opinion that this bill wanted considerable amendment. It had been yet but a short time under consideration. He asked, whether it was a fair way of legislation, when a bill was manifestly imperfect, to insist on passing it, with a view of perfecting it by a supplementary bill, as had been intimated? Was it not best, he asked, to make the bill perfect at first? Why afraid, he asked, to approach a bill of this character? Why regard it as a measure bearing the injunction *noli me tangere*? The constitution and rules of proceeding, he admitted, did seem to give to the other House the power of originating money bills; but, on a question of this kind, he did not see why this House should not be under the same obligation as the other to examine critically bills of this kind.

Mr. SANFORD said, in the course of a few remarks on this subject, that this bill should be treated as all other bills were. It was almost a matter of course on all bills to refer the subject thereof, on the motion of a member, to a committee for examination. He wished to know, as regarded his vote, what would be the effect of this bill; whether it would increase the rate of compensation of members, as well as change the mode? He wished, in short, to see this bill take the course of all other bills.

The question on commitment was decided in the negative—yeas 9, nays 22, as follows:

YEAS.—Messrs. Chace, King, Macon, Morrow, Ruggles, Sanford, Taylor, Varnum, and Wilson.

NAYS.—Messrs. Barry, Bibb, Brown, Campbell, Condit, Daggett, Dana, Gaillard, Gore, Horsey, Howell, Hunter, Lacock, Mason of New Hampshire, Roberts, Talbot, Tait, Thompson, Tichenor, Turner, Wells, and Williams.

And then, on motion, the Senate adjourned until to-morrow.

WEDNESDAY, March 18.

Compensation Bill.

The Senate proceeded to the consideration, in Committee of the Whole, of the bill to change the mode of compensation of the Senators, Representatives, and Delegates in Congress.

[This bill proposes to change the rate and mode of compensation, from six dollars per day during attendance to one thousand five hundred per annum.]

Mr. TAYLOR, in proposing an amendment to the bill, said he was left, from the absence of reasons assigned in favor of the bill, to presume the motive of it to be, that there would be a greater despatch in the public business, if members were paid by the job than if they were paid by the day. He doubted the correctness of this inference. If, for six dollars a day, the sessions of Congress are spun out to an inconvenient length, and public business delayed by the desire of members to increase the amount of their pay, (supposing them the immoral agents which the adoption of this system presupposes)—would they not, he asked, be induced by the change in the mode of compensation, in order to curtail their expenses and increase their profits, to go home before the public business is finished, or so urge the public business as to leave it in an imperfect form?

Mr. MACON also moved to amend the bill so as to strike out the salary feature altogether and in lieu thereof to insert a provision that the compensation should be hereafter — dollars per day—intending that the blank might be filled with such sum as the Senate should prefer. He was opposed to the idea of a salary for legislative services; such a rule of compensation was not known under any of the governments of the States, &c.

Mr. DAGGETT opposed all amendment of this nature to the bill; considering it better to take it in its present shape. The increase of compensation, he estimated according to an average computation, would not be greater than as one hundred to seventy-one, &c. Was it worth while for this small object to enter into a controversy with the other House? He showed, besides, that the salaries of all the officers of Government (judges excepted, to his regret) had been increased since the compensation of the members was fixed, &c.

Both the amendments above stated were negatived without a division.

Mr. WILSON observed, that he would not detain the Senate long, as he saw they were impatient for the question; but he felt it a duty to the prudent and economical State which he in part represented, to state his objections to the bill now before the Senate. This he should do as briefly as possible.

In the first place, he disliked its retrospective operation, in going back more than a year to give an additional reward for services already rendered, and in many instances paid for. This principle he thought objectionable in itself, and dangerous as a precedent.

An annual salary to legislators, who sometimes sat longer, and sometimes shorter, was a novel principle, and its effects very doubtful. It might produce an injurious haste in the transaction of business—it might shorten the term,

or lessen the frequency of the sessions of Congress—and, on the whole, appeared to him less safe than the per diem provision.

The amount contemplated by the bill he deemed too large. It would nearly or quite double the allowance which former Congresses had deemed sufficient, and under which present members had accepted their seats. It was a greater sum than many important officers under the General Government received for incessant service—and more than many of the States give to their principal officers. In New Jersey, not a single officer, excepting only the Governor, received a salary to this amount. The Judges of the Supreme Court, selected for their talents, experience, and integrity, from amongst our best and wisest citizens, and engaged, with little intermission, during the whole year in their arduous and important duties, received far less compensation than is here provided for members of Congress, who are employed in public business less than half the year.

The precedent, Mr. W. said, he regarded as a very pernicious one. Raising our own pay, will be but an entering wedge to increasing the compensation of officers of the Government generally, civil, judicial, military, and naval. Though our charity begins at home, it will not be permitted to end here. This consequence he should deprecate. He did not consider high salaries consistent with the principles or safety of our Republican institutions—inasmuch as they tended to introduce, or to increase, ambition, intrigue, and corruption.

The manner in which the bill was hurried through, was not, he said, in his opinion, less exceptionable than the bill itself. In the other House (if he might be permitted to allude to its course there) it was introduced one day, read and considered the next, and passed the third. In the Senate, postponement, commitment, and amendment, are all refused; and it is to be pushed through, by main strength, with a haste altogether unusual in cases so doubtful in their character, and so important in their consequences.

On the whole, Mr. W. said, he did most earnestly hope, for these and other reasons which might be enumerated, that the Senate would reject this bill.

No amendment having been agreed to, the President resumed the Chair, and the bill was reported to the Senate.

On the question, "Shall this bill be read a third time?" it was determined in the affirmative—yeas 22, nays 11.

THURSDAY, March 14.

The Compensation Bill.

The bill to change the mode of compensation in Congress, was read a third time.

Mr. MASON, of Virginia, said he was ever reluctant to differ in opinion from the majority of the Senate—for such a difference of opinion seldom failed to impress him with doubts of the

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correctness of that which he entertained. But on this occasion he was compelled to oppose the measure under consideration.

He would prefer several modifications of the bill, but he had only one insuperable objection to it, which was that it was retrospective, and immediate in its operation. He considered it improper or indelicate (without meaning the least reflection upon any gentleman who advocated it) to vote money out of the Treasury into our own pockets. For all useful purposes he was willing to impose taxes, and to vote money as liberally as any gentleman. But he considered the object of this bill to be of too mixed and doubtful a character to exempt its advocates entirely from the suspicion of interested and selfish motives. He was very far from imputing such motives to them. But it was not enough to do right. The Representatives of the people should so conduct themselves as to be above the suspicion of unworthy motives. He was no Jacobin, and he would never act or speak with a single eye to popular approbation and favor. But he respected the opinion of the people, as every public agent should do; and although he would not do wrong to obtain their good opinion, yet he would always act as far as he could, consistently with his duty, in such a way as to meet their approbation. For, in a Government like ours, particularly, it was in vain to pretend to despise or disregard public opinion. It was not only the tenure by which we held our places, but it was the basis of the Government itself. Take from the Government that support, and what was now order and beauty would become despotism, or anarchy and chaos. He should, therefore, always respect the opinion of the people, and endeavor to obtain their approbation, as far as he could without a sacrifice of public duty. He admitted that the compensation of the members ought to be increased. He thought it ought to bear the same proportion to the expenses to which members are now exposed that it did to their expenses when the law fixing the present rate of compensation passed; and he had no doubt that the people would approve such an increase, for he had great confidence in their liberality and good sense. But he could not vote for the bill to take effect immediately. He would move to amend it, so as to postpone its operation until the expiration of the term of the present Congress; but he understood that such a motion had already been made, and rejected. And, as he could not obtain that modification of the bill, he was compelled to vote against it altogether.

Mr. CHASE also opposed the passage of the bill on the grounds already taken against it. He could not consent to legislate in this manner. No person, he believed, had yet computed that the compensation hereafter to be given to the members of Congress would be less than ten dollars per day, while Mr. C. computed that it would amount at a fair average estimate to seventeen dollars and a half per day, for each day they attended. This Government had been

many years in operation, and it was not till very lately that the compensation of the members was insufficient.

Mr. DANA also opposed the postponement. The only argument against it, he believed, was, that the passage of the bill would be unsatisfactory to the people. If the bill was proper in itself, and there was any thing in this terror of the popular disapprobation, it was a strong reason why they should not pause so long as was proposed; for, if once seized with a panic on this question, the terror might perhaps by delay become extreme. If this bill were justly satisfactory to the people, he said, it might be a reason to pause; but, for his part, he should not like to return and tell his constituents that he was afraid to vote for this bill lest it should be dissatisfactory to them. His constituents, he said, were not opulent, nor yet afflicted by poverty; they lived at less expense than gentlemen could do here; but, he said, he should manifest no respect for their discernment, if he were to suppose they could not see why members incurred greater expenses here than were necessary at home. He should show little respect for their disposition, if he supposed that they wished that the men whom they chose to represent them here should degrade themselves in order to live upon the compensation allowed, or should sacrifice their private property in serving the public. It might be expected of the public agents to make sacrifices in times of great emergency and national difficulty; but it would be idle in ordinary times, to call on public men to be patriotic to their own loss and injury. Although, he said, the people of the State which he represented were not as wealthy as they were in some other parts of the country, he trusted they were not afflicted with that poorness of spirit that they would deny their Representatives a due compensation for their services. He had no hesitation in saying, that the proposed rate of compensation was not too much for any man who was fit to represent the people and State whom he had the honor, in part, to represent; and, however delicate the inquiry, he would not enter into a contest with his constituents about the correctness of their selection in sending him here.

Mr. ROBERTS rose to defend his vote from the arguments of those opposed to the bill. He was duly sensible, he hoped, of the situation in which members of this House stood in relation to public opinion; but he knew not, on this subject, what public opinion was. This question was presented to him for decision without that light. There had been a feeling generally prevalent, as far as his information extended, that the present compensation of the members was not sufficient. It had been his conviction that it was better not to agitate this question at the present time; but the proposition had originated in the other House, which was at least as responsible to public opinion as this; and believing it not objectionable in principle, he felt it his duty to vote for it. If it were an un-

popular act, he said, its weight would fall on the shoulders of those who voted for it—it might occasion their removal from the public councils, by which it might be that the public interest might be promoted; if so, he was willing to make the sacrifice. The proposed amount of compensation was perhaps too large; with the ideas of this subject arising from his humble situation in life, had he had the direction of this question, he should not perhaps have fixed it so high; but, he considered the two Houses, on this question, like a jury much divided on the subject before them, but obliged to decide upon something. On the ground of abstract right, however, without regard to the House of Representatives, he considered it expedient to pass the bill: it might be improved perhaps in detail, but the principle he considered as correct.

The question was then taken on postponement, and negatived.

The question was then taken on the passage of the bill, and decided in the affirmative—yeas 21, nays 11, as follows:

YEAS.—Messrs. Barry, Bibb, Brown, Campbell, Condit, Daggett, Dana, Gaillard, Harper, Horsey, Howell, Hunter, Lacock, Morrow, Roberts, Talbot, Tait, Thompson, Turner, Wells, and Williams.

NAYS.—Messrs. Chace, King, Macon, Mason of New Hampshire, Mason of Virginia, Ruggles, Sanford, Taylor, Tichenor, Varnum, and Wilson.

The question being then on the title of the bill, to change the mode of compensation of the members, &c.,

Mr. Varnum suggested that the title of the bill would be advantageously amended by making it "a bill to double the compensation," &c.

MONDAY, March 18.

The Judiciary.

The Senate resumed the consideration of the resolve proposed by Mr. SANFORD, embracing an amendment to the constitution, to make the judges removable from office on the vote of two-thirds of both Houses of Congress, with the consent of the President, &c.

Mr. SANFORD proposed to refer the resolve to a select committee; but, subsequently, Mr. DAGGETT moved to postpone it to Wednesday.

In the conversation respecting the mode of disposing of this business, some general remarks were made, of a decided character, by Mr. KING, against the object of the resolve, on the ground of its proposing to invade the independence of the Judiciary, so all-important and sacred a part of our constitution, that the Legislature ought not even to propose to disturb it. Mr. ROBERTS and Mr. SANFORD, in reply, took ground against Mr. KING's doctrine, which they argued placed the judges on an eminence more exalted than was consistent with the genius of our Government or the extent of our constitution, &c. This debate incidentally arose, and may be considered as merely breaking ground preliminary to the discussion which may take place on this question, if it is discussed at all.

Mr. FROMENTIN also strongly protested against interfering with the Judiciary, forcibly remarking that blood followed from every the slightest wound inflicted on that valuable institution, &c.

The further consideration of the subject was postponed to Monday.

FRIDAY, March 22.

Banks to pay Specie.

Mr. HORSEY, from a select committee, reported a bill to provide more effectually for the payment of specie by the several banks within the District of Columbia.

[This bill provides that if any bank or banking company in the District of Columbia shall refuse, after the first day of January next, to pay its notes or checks with specie, by summary process, judgment and execution may be obtained against them by the holder, with twelve per cent. interest from the time of such failure or refusal, to pay such notes in specie, &c. But this remedy shall not be used by any bank, or bank agent, as a remedy against another bank.]

Increase of Salaries.

Mr. FROMENTIN, from the committee to whom the subject was referred, reported a bill providing for the increase of the salaries of the officers of Government therein mentioned, and the bill was read, and passed to the second reading.

The report and the bill are as follows:

The committee appointed to inquire into the expediency of increasing the salaries of all the officers of Government, beg leave to report—

That, from the most thorough investigation by them bestowed on the subject referred to them, they can have no hesitation in recommending an increase of salary to all the officers of Government mentioned in the bill which accompanies, and which they pray may be considered as part of this their report. By contrasting the prices of all the necessities of life at the time at which the salaries of the officers of Government were fixed with the prices now to be given for the same necessary articles, your committee are satisfied that the expenses of living have been increased in a proportion much greater than the increase contemplated in the bill now submitted to the Senate. At the same time, therefore, that they were persuaded an addition was to be made to the salaries of the officers of Government, they entertained doubts as to the amount of augmentation which it might be proper for them to recommend, having a due regard both to the necessities of the officers to be provided for, and to the principles of a wise and prudent economy. From these doubts your committee feel themselves relieved by the principle of augmentation established in the act lately passed to change the mode of compensating the members of Congress.

From the year 1790, when the Government first went into operation, to the end of the thirteenth Congress, it appears, by a reference to the journals, that Congress have been in session four thousand one hundred and forty-eight days; which number of days, divided by twenty-six, the whole number of

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years which have elapsed from the beginning of the first to the end of the thirteenth Congress, gives for each year an average number of one hundred and fifty-nine days and a fraction during which Congress have been in session, without making any mention of the additional number of days during which the Senate have been occasionally called upon to sit on Executive business.

Had the compensation of members of Congress then been, as it now is, at the rate of \$1,500 per annum, instead of six dollars per day, they would have received nine dollars and a fraction, making the increase to their salary, as fixed by the act to change the mode of compensating the members of Congress, about fifty per cent. over the sum at which it was originally fixed in the year 1790; an increase, however, still reduced somewhat below fifty per cent., as no alteration has taken place in the mileage.

Fifty per cent., then, being about the increase made by Congress to the compensation of their own members, may be fairly considered as the standard by which the salaries of the officers of Government ought to be now regulated; and the committee would have reported to you a resolution to that effect, had there been no occasional increase of salary to some of the officers whose compensation was originally fixed in the year 1790, and had there not been several offices created since with rather more adequate salaries.

These circumstances preclude, on the part of the committee, the possibility of a compliance with a strict adherence to the principle of increase in every case in absolutely the same exact proportion. Your committee were farther induced to sacrifice unimportant fractions to the advantage resulting from adopting a mode of compensation amounting to a round sum. With this view of the subject referred to them, and without losing altogether sight of the principle adopted by Congress in the act providing for the increase of their own compensation, your committee beg leave to add that, except in a few cases, where, from the considerations above mentioned, they have reported below the increase of fifty per cent., they have rather generally gone beyond than remained below the principle of an increase of fifty per cent. to the salaries as they were originally fixed in the year 1790.

MONDAY, March 25.

The National Bank Bill.

The bill from the House of Representatives to incorporate the subscribers to the Bank of the United States, was taken up as in Committee of the Whole. The first section having been read—

Mr. MASON, of New Hampshire, moved to strike out five, the proportion of specie to be paid in at the time of subscription, and in lieu thereof to insert ten; the effect of which motion would be to make the whole amount of specie paid in at the time of subscription \$2,800,000, instead of \$1,400,000. The two great objects proposed by the friends of this bill, he said, were—1st, to release the country from the mass of spurious paper which was said to be the circulating medium; 2d, to aid the Government in its finances. To effect the first object, the bank must commence its opera-

tions in specie. To enable it to do this, he proceeded to show, that in his view a larger proportion of specie was necessary to the first payment. The United States stock subscribable and payable at the same time, to the amount of seven millions, would, he said, be no more aid to the bank in discounting with a view to redeeming its notes with specie, than would so many bank bills. The amount of \$1,400,000 in specie, divided among the different branches which he presumed would be immediately established, would, he argued, be insufficient for any operation whatever. Let the bank issue paper sufficient to produce any effect, and the specie in its vaults would be instantly withdrawn from them; twenty-five days would be sufficient for that purpose. In Baltimore, Philadelphia, and the District of Columbia, he said, the notes of the bank would be seized on by every individual who has any occasion for specie, &c.,—the bank, then, to be safe, would be able to issue no more paper than to the amount of its specie paid in. Would such an issue, he asked, serve to reform the currency, or give the Government any aid in its finances? It might be said the bank would commence operations slowly and with caution; but, Mr. M. said, any man acquainted with the institution of banks knows that the sum first paid in is nearly all that the stockholders ever pay. The bank would continue in operation forever, he said, without taking from the stockholders any considerable sum more than the first instalment; for, as far as the bank discounted, the second instalment would be paid into the bank with specie of the first instalment, &c. This was a position so fully supported by all experience, that he presumed it would not be denied. For its specie capital, then, the bank must depend principally on the amount first paid in: the bank might sell some stock, &c., to obtain specie, but the direct bringing in of specie would not be much after the first instalment.

Mr. KING, of New York, supported this motion. Before he proceeded to make any remarks on the motion, he touched upon a question preliminary in its character, and which he regarded as of great importance, inasmuch as it superseded all detail, and, if decided affirmatively, rendered it utterly useless to discuss the details of the bill. Adverting to the discussion which had taken place in this House on late occasions in regard to public opinion, he said that public opinion, well defined and understood, the well considered judgment of the majority of the nation, no one doubted, was entitled to profound respect from this House. Public opinion, he said, was not so embodied, not cast into such a shape, that much confidence could be placed in that argument on the subject of the establishment of a National Bank. Yet, he said, public opinion does exist; and where it is relative to constitutional questions of great municipal law, it may be relied on as authority. The Legislative power of the nation was placed in two separate branches; public opinion in favor of this

distribution of it was so general and strong that no educated man in the nation could doubt it. It was, therefore, not only a provision of the constitution, but unquestionably the decision of public opinion, that, upon any measure fit to be made a law, the discussion on all its provisions ought to be subjected to separate examination in the separate branches of the Legislature, and that the decision of one branch should not operate to preclude a re-examination by the other; that each branch of the Legislature should deliberate on any measure which has passed the other branch, with the same freedom as if the bill had originated in that House. The subject now under consideration, Mr. K. went on to say, was a most important measure, and had passed the other branch of the Legislature. Those very considerations, rather than forbidding, demanded a peculiar and circumspect examination of the bill in this branch of the Legislature. It may, for example, have fortuitously passed the other House. Care ought to be taken that it do not in like manner fortuitously pass the Senate. The smallness of the majority in the other House, the possibility of its varying, &c., instead of being reasons for hurrying over this bill, were reasons why it should be examined more freely. If this reasoning were not true, the constitution and public opinion were equally wrong; the Legislature should consist of but one branch. He was not, therefore, permitted to doubt, he said, that the Senate disregarding the suggestion, that possibly the bill might fail on being again brought before the other House by amendments from this House, would decide according to the obligations of their stations here, and with an unbiassed regard to their fitness on such amendments as should be proposed; leaving the responsibility for the consequences of a performance of their duty, where, by the constitution, it ought to rest. These suggestions flowed from an apprehension on the part of Mr. K., that, although the question was surrounded with difficulties, the Senate would be urged to pass the bill without amendment, lest, on its return to the House, if the Senate did its duty by amending it, the bill would fail.

Mr. BRAN, of Georgia, rose to oppose the amendment. It appeared to him, he said, impossible for a statesman, in the habit of contemplating national questions, and considering cause and effect, not to look at the present condition of the country with apprehension and alarm. By a combination of circumstances not necessary to be enumerated, one of the leading objects of the adoption of the Federal Constitution was at this moment lost to the nation. Whether it should be finally lost to the nation, or should be recovered, would depend, in all human probability, on the conduct of the Senate on this occasion. To enable the Government to fulfil its engagements to the public creditors, to restore confidence among the citizens of the country in regard to pecuniary transactions, to prevent any thing but gold and

silver from being a legal tender, to maintain the obligation of contracts, were, he said, the leading objects which produced the adoption of the constitution. The regulation of the general currency of the country, without which the attainment of these great objects is impracticable, is, said Mr. B., at this moment wrested from the hands of the Government by petty corporations and swindling individuals throughout the community. This, he said, is the abject condition of our affairs. Could any honorable Senator reconcile it to his conscience to leave his seat at the present session, without making an effort, a great effort, to reform the national currency, to regain the power over it which we have lost? The country was rich in resources, its people in individual means; and yet both the country, and individuals, were unequal to meet their engagements honestly and faithfully; and, not only so, but the Government was compelled to legalize that species of swindling by which the important, necessary power of sovereignty, the regulation of the currency of the country, was taken from the Government. It was unnecessary, he said, to recapitulate the cause which had produced this state of things, but he did verily believe that, unless the present Congress should take some efficient measure to compel the resumption of payment of specie, it was extremely doubtful whether it ever would be done. He called the attention of the Senate to the acts of the State governments; scarcely a session passed in which bank charters were not granted by them to the amount of millions—and, as the influence of these State banks increased, so did the difficulty of legislating on this subject. Mr. B. then considered the subject in other points of view. At the present moment, he said, the people in the Eastern States pay the revenue to the United States in Treasury notes; but the Secretary of the Treasury was making a great effort to call in that species of paper. When that object was accomplished, what would be the situation of the Eastern States? Whilst other quarters of the country were paying their taxes in paper, those banks must either pay in paper as valuable as specie, or in specie itself; the inevitable consequence must be, that the banks of that part of the country must follow the example of all the other banks. All the banks in the country would then be united against a return to specie payment. So far as he had heard, Mr. B. said that the opinion of a large majority of the Senate was, that some course of measures should be adopted for the remedy of the evil; the only question was as to the mode. He had heard but two modes proposed; the one, to declare by law that after a certain day the paper of those banks refusing to pay specie should not be receivable in dues to the Government; the other, to establish a National Bank. The first plan, he said, was impracticable; the people cannot pay what they cannot get—besides, that such a measure would cause a combination of the banks, too strong for the Government to

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overpower. Mr. B. said he would go further; he believed a large majority of the Senate had declared themselves in favor of a National Bank; that they had made up their minds that it was the best possible means of restoring the country to the old state of things. Now, he asked, whether on a question of mere detail, they ought to risk the loss of an object so important as this bill? Mr. B. asserted to the Senate, and he said he would justify the ground, that, although this bill might not be perfect, he should vote against every amendment of every character; justified in so doing by the importance of the passage of the bill.

Mr. BARBOUR, of Virginia, next took the floor, and opposed the proposed amendment in a speech of considerable length, of which what follows is but an outline. He, too, like the gentleman from Georgia, considered the question of bank or no bank as the most important that could be presented to the National Legislature at this session. The rejection of this bill, he believed, would expose us to a continuation of all the inconveniences experienced in every quarter of the Union from the present state of the circulating medium, causing a fluctuation and uncertainty in the value of property and products greatly to be deprecated, and bringing with it a train of evils it would be almost impossible to enumerate. On the other hand, he said, he had such confidence in the efficacy of a National Bank, in correcting the evils of the mass of paper afloat, in enabling the Government and individuals to fulfil their engagements, that he had brought his mind to the conclusion that the establishment of a National Bank would be an epoch in the affairs of the nation; that, instead of the cloud which darkens the horizon, it will usher in a new day of prosperity, replete with benefits to the nation, &c.

Mr. B. then proceeded to the consideration of the great subject before the House. The Constitution, he said, had imparted to the Congress, among other great attributes, the power of regulating the coin of the United States. How had Congress acquitted themselves of this duty? Where and of what effect were these regulations? Where was the uniformity of currency? Mr. B. described the variety and fluctuation of value of the paper in circulation, not only in various States, but in contiguous towns and counties, &c. This was a great evil, deprecated on all hands. The power intended by the constitution to have been lodged in the hands of the General Government, was, by the failure of the Government to make use of it, exercised by every State in the Union, frequently by individuals, &c. Hence arose an excess of paper issues, causing depreciation to an extent which could scarcely be estimated—an evil which called for a remedy in a language not to be misunderstood. Where was the antidote which the Executive, in this only the organ of the public sentiment, had called on Congress to interpose? The patient, said Mr.

B., is sick, from the crown of his head to the sole of his foot; he asks for oil and wine to be poured into his wounds, which would be otherwise fatal. Where is the man who will propose any other antidote than that now before us? Where is the adventurous knight who will suggest another remedy? If there be a Don Quixote in politics, let him appear. No, Mr. B. said, not even a nostrum had been tendered to substitute this plan. If no other remedy was offered, ought they, he asked, to higgie about details, to split hairs on the question? Mr. B. then spoke of the necessity of mutual concession among legislators; without which, he said, the idea of legislation was the most vague and illusory that ever entered the human mind. It was necessary, Mr. B. then argued, for the present diseased paper medium, since specie had fled the country, or was scattered in the bowels of the earth, to substitute a medium impressed with the seal of the nation. If an institution were established to issue a paper of that description, we should have, he said, in lieu of a medium, the value of which will not live ten, fifteen, or twenty miles from the spot where we receive it, a paper which will embrace the Union in its grasp. It would also be a great financial instrument, necessary to the fulfilment of the national duties in this respect. On this head, the experience of the last war spoke a language which incredulity itself could not doubt. In the dark and gloomy period of the last Winter, when this subject was discussed, no doubt had been entertained that this was the only means of remedying an evil from which so much was apprehended. That time, he rejoiced, had passed by; but he hoped the lessons of experience would not be permitted to pass away with the urgency of the occasion.

Mr. MASON, of New Hampshire, spoke in support of this motion, to amend the bill. He certainly had entertained no expectation, he said, when he submitted the motion, that it would have drawn the bill into so general discussion. Whenever a National Bank had been proposed, he said, he had always supported it with such modifications as he thought correct. He did believe a well-regulated institution of this kind would be useful to the Government; and, though the Government had at a certain period declined the exercise of its power in this respect, he felt no inclination to prevent them from again occupying the ground of the old United States Bank. He was, he said, now willing to give his aid in establishing a bank on proper principles; but he never could assent to this or any other measure on the ground taken by the gentlemen from Georgia and Virginia. The bill was, according to the forms of the Senate, read section by section for the purpose of amendment; and yet gentlemen declared they would not listen to any proposition to amend the bill, but take it as it stood. [Mr. BRAS explained, that his remark was confined to unessential amendments.] It might, Mr. M.

said, be difficult to define what makes an amendment important; for him it was sufficient reason for an amendment, that the bill would be better with than without it. He could not, he said, see the force of the objection to sending this bill back to the House of Representatives better than it came from them; gentlemen must certainly conclude that that House was greatly in love with a bad bill. It always had been held irregular to suggest in one branch of the Legislature what might have passed in debate in the co-ordinate branch; it was certainly, Mr. M. said, more improper to go into a wide field of conjecture to find out what would happen there.

Mr. M. agreed that the public suffered much inconvenience from what was termed the state of the public medium; it was not very material whether it was produced by what the gentleman from Georgia had termed swindling, or what the gentleman from Virginia had called the patriotic conduct of the banks. Mr. M. replied to other arguments used by the gentlemen who had opposed his motion. In regard to the operation of interest on moneyed institutions, he said he believed that principle was felt as much by the State banks as by that which it was now proposed to incorporate. Any bank, guided by other motives, would depart from the objects of the institution. Mr. M. attached no sort of consequence to the idea of the passage of this bill, in order to exercise the power of the Government to regulate the coin of the country. The laws of the United States, he said, had already regulated it; he knew of no law which authorized any officer of the Government to receive any part of this spurious money which the gentleman said was in circulation. The laws were already perfect on this subject. If the Executive officers had received other moneys in payment than those authorized by law, Mr. M. said they had acted without law—without right. What necessity there might have been for their doing so, he would not now examine. Cases might arise, in which the officers of the Government may take upon themselves the responsibility of neglecting the execution of a law, &c. That an evil existed, he said, all agree, and all suppose that the bank to be incorporated by this bill will in a greater or less degree lessen the evil, or entirely correct it. The object of his motion was to give the bank the greatest possible power to effect these purposes. It had been said that the bank would at first move slowly. But, Mr. M. said he had no sanguine anticipation that this amendment, or any other, or the prudence of the directors, would be able wholly to cure the evil. What had been the cause of the evil? The banks themselves; banks incorporated under the same restrictions as this bill contained, issue now the very rags which had been described. The remedy now proposed was, Mr. M. thought, something like Sangrado's practice: more bank paper of the same sort—more hot water for the same evil.

In regard to the impossibility of this bank's doing any thing but a specie business, Mr. M. undertook to assert, that the charter, in its present shape, gave the bank the power to issue notes, without even promising payment of specie. The clause which authorizes the bank to issue notes did, in fact, for the want of due restrictions, authorize the bank to issue notes payable when it pleased; none but notes payable on demand were indeed receivable in payment of taxes to the Government—but they might be issued payable two years after date for other purposes, and would probably circulate quite as well as the notes of New York, Philadelphia, and Baltimore. He should imagine, he said, that, as the bank was now constituted, sensible men, having the management of it, would not attempt to do business without taking that course. Mr. M. pointed out other defects, as he viewed them, of the bill.

Mr. DANA, of Connecticut, said he did not expect to vote for the bank bill in its present form, but notwithstanding, he did not think it would be proper to adopt this amendment; one-twentieth part of the whole capital appeared to him to be as large a proportion as ought to be called for in specie at the time of subscription. If danger were anticipated from the smallness of the amount of specie, it would perhaps be better to introduce into the bill a provision, that the bank should not issue paper until it had a sufficient quantity of coin to justify it in so doing. Though he should not vote for the bank, he should regret to see its first issues to individuals who were connected with the institution; indeed, he should rather suppose, the great demand for discounts from the bank, would be to enable the merchants to pay bonds, constantly falling due to the Government for customs. These merchants, for their notes, will obtain credits at the bank, to the amount of perhaps seven, eight, or ten millions in the course of the year. The United States will be the only power that can call for it; and, Mr. D. presumed, there would be no danger of a run on the bank from the Government, &c.

Mr. MASON, of New Hampshire, remarked that specie was not confined to the Eastern or Southern States; the banks in the Middle States still retain as much specie as they ever had. If the bank might sell stock for specie, why might not individuals do the same, in the first instance, and pay it into the bank? United States stock would at a certain price command specie anywhere.

Mr. SANFORD spoke in support of the proposed amendment, denying the correctness of the doctrine on which opposition was made to any amendment of this bill. It was a subject, he said, which particularly required caution and circumspection in deciding upon it. He considered the amendment before the Senate as presenting this question: With what sum shall the bank commence its operations? This being intended to be a specie bank, Mr. S. said, every proposition tending more certainly to make it

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more so, was worthy of favorable consideration. The bill as it stood contemplated \$1,400,000 in specie as a sufficient basis for the bank to begin upon. Mr. S. said he could not but think, with Mr. MASON, that this sum was too small. There was nothing in the bill to prevent the bank from issuing \$35,000,000 on this amount of specie paid in, if they thought proper to do so.

Mr. TAYLOR replied to Mr. SANFORD, and quoted the provisions of the bank to show, that the bank dare not issue one dollar more paper than it had a reasonable prospect of being able to honor with gold or silver. The bank had the power to do otherwise, it was true; and so have we power to cut our own throats—but the bank is no more likely than we are to commit a *felo de se*. As to the second instalment being paid with the specie of the first, Mr. T. said it was impossible to pay \$2,800,000, (the amount of the second instalment,) with \$1,400,000, (the amount of the first,) and the worst, therefore, only one-half of the second instalment could be drawn from the vaults of the bank.

The Senate then adjourned, leaving the pending-question undecided.

MONDAY, April 1.

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The Senate resumed the consideration, in committee, of the bill from the House, to incorporate the subscribers to the Bank of the United States, the amendment offered by Mr. GOLDSBOROUGH on Saturday still before the committee.

Mr. WELLS rose and addressed the Chair, as follows:

Mr. President, the Senate having gone through the different amendments which have been before them, and it not being probable that there are many more, if any other, intended to be brought forward, the proper period for submitting a proposition, which will fairly bring into notice the general views of this subject, has, perhaps, now arrived. In support, then, of the proposition of postponement, to the first Monday in December next, of the further consideration of this bill, which I purpose to move you, I beg the indulgence of the Senate, while I endeavor to show, first, that it transcends the constitutional power of Congress to pass a bill containing the provisions which this does; secondly, the inexpediency of enacting such a law as this, even if we possess the constitutional power to do it; and thirdly, that our true policy is to avoid, at this time, legislating upon the subject—to pass no law, at the present session, incorporating a banking company.

That which has heretofore been the occasion of so much heated controversy, was simply a question relating to the existence or non-existence of a power in Congress to incorporate a company for establishing a bank. That question is now at rest, nor do I propose to disturb it.

The sole inquiry we now have to make is, as to the true character and just extent of this authority, that we may not, in the exercise of it, carry it beyond its proper limits.

The power that is granted is a power to establish a bank for a particular end, and, of course, constitutes only a part of the general power, in relation to the establishment of banks that previously existed in the States. For this reason it is a power of a minor character to that of the States, and is to be exercised always with a steady and distinct view to the end for which it is created. So far as it goes, it is a lawful power, and has a right to pursue its prescribed course. It may keep company with the State authority, but has no right to quarrel and slay its companion on the road. Every application, then, of this power, by the United States, which has a tendency to embarrass or impair the free exercise of the power reserved to the States, is unwarranted, and if done by us with a view to such a purpose, is the affair of arrogance and usurpation.

This is not a primary, expressed, original power. In vain, as such, do we seek for it in the constitution. It is only a secondary, an implied, derivative power, if such may be properly termed the means of executing an expressly delegated power. Here it may fairly be asked, Why was this power left to implication? Did it escape notice? Was it overlooked? Was it too unimportant for enumeration? Every view of this subject, and every relation in which it can be placed, to the other authorities, affords an inference not easily resisted, that a grant of this power was not intended to be applied. If the express grant of such a power was moved, the silence of the constitution as to that power, proves that it must have been rejected. I understand that it was moved in that body, and was rejected. If this was actually the case, (as I am persuaded it was,) it certainly requires the utmost effort of ingenuity to prove that this power was left to implication, in order that the subordination of its character might be the more clearly established, and the arrogance of its pretensions the more easily repressed. This is all, if it be not a great deal more than any fair mode of interpreting the constitution, as we have it, will warrant. We cannot, for a moment, suppose that the great men, who formed this frame of government, were unacquainted with, or unmindful of, the imposing character of this power, or of its history here or abroad. Did they not know that a proposition to incorporate a banking company, by the old Congress, had been, by that body, rejected? And furthermore, could those grave and learned men been unaware (if they intended this power to be inferred as a means of executing another power) of the arduous, perhaps I might be permitted to say, the odious character of the task they devolve upon implication? Did not that enlightened body know that grants of specially enumerated authorities would not warrant the exercise of a power as a means for carrying into

effect another power, where the means itself is, in character and importance, entitled to rank with some one of the enumerated authorities? That such is the real character of the means in question, in relation to some of those authorities, even limited and circumscribed as it may be, I am obliged to admit there is too much reason for insisting. That I have a doubt, therefore, on my mind, on this point, I am free to confess. It is possible, perhaps it is probable, if the vote I am to give upon this bill demanded of me, in respect to that difficulty, a decision, that further deliberation, aided by the authorities which, I am told, support the opposite opinion, might remove that doubt.

Sir, I confidently rely upon the cheerfulness with which honorable gentlemen who have heretofore so strenuously denied the existence of the power in question in this Government, will accompany me in the inquiry respecting the extent of this power. It is agreed, on all hands, to be (not an original, substantive, but) a derivative, incidental power. What, then, is the specially enumerated power to which it is incident, as one of the "necessary and proper" means for its execution?

Is it an incident to the power to "promote the general welfare?" The capacious character of this provision, if it is to be viewed simply as a grant of power, would render the subsequent enumeration of special powers a matter of supererogation. The terms "general welfare," when used in the constitution, can only be considered as having themselves reference to one of the great objects for the promotion of which this Government was established, and for the accomplishment of which the special powers, contained in the constitution, have been delegated.

Is this authority to establish a bank an incident to the power of Congress "to borrow money on the credit of the United States," by reason of its correlative tendency in procuring a faculty to lend? If this be the source from which it is lawfully derived, we need look no further for the origin of this or any other authority. If this be its fountain-head, we have here a never-failing spring of power, abundantly sufficient for all the purposes, lawful or unlawful, of this or of any other Government upon earth. I turn away from it, therefore, without further investigation.

Is this power derived from that of coining money, regulating its value and that of foreign coin? Is the right to establish a National Bank, on account of its tendency in our hands to operate upon what is called the currency of the country, derived from this or any other specially delegated authority? There are two provisions in the constitution which have some bearing upon this point. That to which I have just referred respecting coin, and that which prohibits the States the issue of "bills of credit, and the declaring of any thing but gold and silver a lawful tender in the payment of debts." It cannot be necessary to argue that a power to

make a bank distinctly with a view to its putting into circulation promissory notes that shall have the faculty of mixing and keeping company with the currency of the country, and of becoming something like paper money, is not a necessary and proper auxiliary to the power in this Government of making a metallic medium; that a power, in short, to make a metallic money has not incident to it, as a "necessary and proper" means for its execution, the power to make a paper money. Nor need any time be spent in resisting an inference, drawn from a restraint imposed upon a particular power in the State governments, which affects to communicate to, and to set up in, this Government a faculty co-ordinate with another power, which is left in those governments free and unshackled. So far, then, as honorable gentlemen say this measure is intended or calculated, whether with a view to regulation or improvement, or under any other pretence, to operate upon what is called the national currency; or, in other words, to restrain the States from establishing similar institutions, and impair the free exercise of the franchises of those already incorporated, it is warranted by no part of the constitution.

I come now, sir, to that part of the constitution where alone can be found, if anywhere, the lawful source of the authority of this Government to incorporate a banking company. We have the power "to lay and collect taxes, duties, imposts, and excises," for certain great national purposes. It is now admitted, by most of the former opponents of this doctrine, that the establishment of a National Bank is nothing more than the employment of a "necessary and proper" means for carrying "into execution" the power to which I have just referred. The correctness of this doctrine, I have before declared it to be not my purpose to call into question. This part of my argument is entirely predicated upon its admission, and is designed solely to be confined to those views of the subject which will show the true character and just extent of this authority, and enable us to determine whether we are not carrying it, by the provisions of the bill now on our tables, further than is warranted by the constitution. This, then, being the power to which the authority to establish a bank is incident, as a "necessary and proper" means for its execution, we cannot have much difficulty in the definition of its limits. Its effect upon this power must be in relation to the collection, the safe-keeping and transmission of the public revenue. The notes which a bank issues may (but, by the by, the affairs of a bank may be mismanaged and they may not) provide the people with an equal medium for the payment of their public dues to this Government. This is, to a certain extent, to operate upon the currency; it is not merely to afford the people, in their relations with the Government, something more portable and convenient to procure, and pay, than metallic money, but it is to provide them with a medium of contribution, at a time when the

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metallic medium shall disappear from circulation. Here provision, in relation to the currency generally, would seem at first to be intended for an event like that of the disappearance of the metallic medium; but we must always remember that our power, in relation to the medium of circulation, refers solely to a metallic medium; and of course excludes the other—*expressio unius est exclusio alterius*. If it be not questioned how far, in this point of view, as connected with the currency (a subject, as before mentioned, expressly legislated upon) there is a power to procure for the people these kind of facilities, for the payment of their taxes; surely the power must, in this respect, confine itself directly to this end. What then is the capital necessary for constituting a bank to answer this purpose? This ought to have been shown us. Those who have no warrant to employ this power, but distinctly with a view to the attainment of a particular end, must have known that the purposes for which alone it can be lawfully used, prescribe the limitations to its exercise. The moral obligation imposed upon them not to exceed those limits, requires, likewise, that they should ascertain where they were placed. If there has been an inquiry made upon this head, what principles have guided that inquiry; and which of them have been presented to the Senate? What calculations have been submitted to us, to show that, in respect to the capital, we are not exceeding the pale of our authority? The hazard of excess must not be incurred, while there are any means at our command of ascertaining how it may be avoided. It is not for those of us who think it, at this time, inexpedient to establish a bank, to show where the excess is. It is incumbent upon the friends of this bill, who call upon us for our votes, who desire that we should keep them company, to prove to us that they are going no further than they ought to go. This they have not done. It has not been affirmatively proven to us that a capital to this amount is necessary; and, for one, I think it can be demonstrated that a capital of thirty-five millions, is larger than is required, for the purposes for which we are to establish a bank. A capital much lower than even twenty millions would be adequate to the establishment of a bank, in each State in the Union; and the objects of safe-keeping, and easy transmission of the public revenue accomplished. The capital of this bank, with a view to the effect of its notes, in affording an equal medium for the payment by the people, and the receipt by the Government, of the public dues, is not to be inquired into, with a view to any given state of things. The charter is to last for twenty-years. If this capital, during that period, should be likely to become too small, the power to raise it by our own, or other subscriptions, may be reserved. If we have a view, in ascertaining the proper extent of this capital, to periods when the preservative of a metallic medium shall be withdrawn from the paper

circulation, then this capital (if the bank is to be what its advocates insist upon to be their intention to render it, a specie paying bank) is unnecessarily large. Its issues, in such times, must be limited, not by the amount of the public revenue, but by that of the specie in its vaults. If our attention, however, is principally directed, as to me it seems it ought to be, to the usual and natural state of things, when the presence of the metallic medium will afford to the paper currency a free and uninterrupted circulation, then a much smaller capital than that of thirty-five millions, in such a state of things, would enable the bank, by the successive issues and returns of its paper, to afford to the people and to the Government the desired facilities. The process between the Government and the people, is that of payment and disbursement; and the steady and uniform succession of these operations, which can never be disturbed, communicates to a paper medium, even in a higher degree, the well-known faculty belonging to a metallic medium, of transacting a large amount of business with a small amount of money. In this view of the subject, can there be a question whether a much smaller capital would not afford every lawful facility that the revenue operations of this Government require? A capital of ten millions successfully accomplished this object, and with the aid of three or four millions of other banking capital, conjointly with the metallic medium, circulated the whole business of the Government and the country. Surely, then, a national banking capital of twenty millions, with the banking capital of the States, will be now amply sufficient for the same purposes; however high may be our estimate of the increased activity and expansion of the industry and enterprise of the country. If I am well founded in these remarks, I have sustained and established one constitutional objection to this bill; by showing that the capital of this bank is larger than is necessary for the accomplishment of the objects we are required to keep in view, in the establishment of this institution.

There is another and a more interesting point of view which it remains to notice, and which goes to show that this bill does not merely, in respect to capital, exceed our constitutional authority. I refer to that provision which authorizes the appointment of a certain proportion of the directors of this bank by the Government. Every control and authority over this great moneyed institution, so intimately connected as it is with the great interests of society, beyond what is requisite for the promotion of the limited objects we are bound to keep in view, communicates to the Government an influence and patronage which it has no right to possess. It is proper that I should circumscribe, within narrow limits, what I have to say in respect to the just character of that influence, after the able view of it which must have been presented by the honorable member from New York (Mr. KING) in support of his

motion to strike out this part of the bill. The honorable chairman (Mr. BISS) who reported this bill, in reply to that argument, insisted that there was incident to the power to establish a bank, that of prescribing the regulations which are necessary to guard the country against the mischief it might otherwise do. Sir, I deny not the truth of this position; but still it equally remains to be shown that the regulation in question, which invests the Government with an influence of such magnitude, is "necessary and proper" to prevent a greater mischief than the one which the regulation itself introduces. The honorable gentleman from Virginia (Mr. BARBOUR) contends for the salutary effect of this regulation, and insists that it communicates to the Government an influence too unimportant to justify any serious apprehension. He considers these directors merely as sentinels on the watch tower, and that the smallness of their number can never give to the Government a dangerous ascendancy in the management of this institution. Let us for a moment inquire into the character of these directors. If they are sentinels on the watch tower; if they are to be enlisted into our service, what bounty are we to give them; what pay are they to receive from us? They are to perform for us an important service; they are to apprise us of the earliest approaches of danger. The board of directors will be daily assembled, and these our sentinels must mount guard as often; they are to have a full share of trouble in the superintendence of this institution, and they are to do all this, not for the good of the concern, in which they have no participation, but for our advantage solely, that we may know, in time to take care of ourselves, when this company is likely to go astray from its duty to the stockholders, the country, or the Government. These are services, I admit, of great value, and to be performed, no doubt, by able and virtuous men; and yet, for all this, you pay nothing; and why so? Are we to calculate upon a degree of patriotism and disinterestedness, to which we make no claim ourselves? The truth is, we do not expect these services to be performed for us without remuneration; but the anomaly consists in our not paying for them ourselves. These spies are to be in *our* service, and to labor for *us*, on account of the pay they receive from *others*. In imitation of the Napoleon model, these gentlemen are to be maintained by those whom they are set over to guard. Their posts will be places in request at all times—in peace as well as in war. In times of peace, of public repose, when the business of the country is undisturbed, and the Government in no need of loans from the bank, these directorships will be entirely useless, for any lawful purpose, to the United States. During this period, the men who hold these appointments, and their numerous friends, will be but as vultures fattening on the institution. During this period you obtain a patronage for the Administration, through the medium of these directors, and their re-

tainers, without the performance of any lawful service. In this respect, then, the provision is unconstitutional; and the influence for which you oblige others to pay, is as unjust as it is unconstitutional. But when the season of difficulty arrives; when war shall disturb and break up the regular course of business; when public and private credit shall be shaken; when the good of the country shall imperiously require the affairs of this institution to be conducted with even more than the usual prudence and circumspection, then will be the time that the pernicious agency of this directorship, co-operating with other active influences, will wield this great moneyed corporation, at the will and pleasure of the Government. It is no answer to tell us of the smallness of the number of these directors. The Hercules is in the system—in the power that the Government possesses of continuing or withholding its deposits. These directors are but the club with which you arm him. The smallness of their number is no security. The principle upon which they are introduced is unsound, is corrupt, is contagious, and its natural tendency will be to spread itself. These five directors, (whom the Government then will take care to keep in their own pay,) themselves the absolute creatures of those from whom they have derived their authority, will be sure to find at the board, when the spirit of party in the country runs high, others become as subservient as themselves; and cannot fail, in a season of difficulty and embarrassment, with their united influence, to accomplish, through the fears and the hopes of the rest, whatever shall be demanded of the bank, as the price of the continuance of the Governmental favor. By this process, will loan upon loan be riveted upon the bank, until this great debtor will become its lord and master. Surely these apprehensions cannot justly be called the offspring of distempered imaginations. Honorable gentlemen certainly who, themselves, have painted in such glowing tints the terrors of this influence—not of the influence of such a body politic as this, in which it is organized, and directly set up and established, and openly avowed to the world, but of one where it was sedulously guarded against—surely such will not insist that there is no foundation for alarm. Formerly it was said, give this new power, this lever, but a fulcrum; a point to rest upon, and, like another Archimedes, it will move the political world as it pleases. Afford it but an opportunity to act upon the States, and there will be nothing in their sovereignties or the people beyond its purchase. Formerly it was calculated, in its mildest form, to destroy the responsibility between the Government and the people; and leading to extravagance, to corruption, and to wicked and ruinous wars, to overturn the liberties of this nation. If these representations of danger were somewhat surcharged in respect to the former institution, how just are they with respect to the present! To me it seems that now is the time that we

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ought most sedulously to guard against a power of this kind in the Government, while the young, the enterprising, the ambitious, and the military character of this country is developing itself. I say the military character of this nation, because it is but too apparent that the events of the late "glorious war" (as it is not unfrequently triumphantly termed) have had no tendency to increase our fondness for the pursuits of peace. That there was glory in that war I am proud to acknowledge; but speaking of the war generally, and the situation of the country during its continuance, of its causes, and its errors, I may be permitted to say, if there was glory—and I repeat again I am proud to acknowledge it—it was only "gloom in glory dressed." Much, sir, I fear that this happy country, once so fond of peace, when sufficiently practised upon, is to become as deeply enamored of war and valorous enterprise as La Mancha's Knight, and, with him, is to be made to exclaim, "armor is our dress and battles our repose." I shall press this objection no farther. We are permitted by the constitution to incorporate a banking company to facilitate the collection and disbursement of our revenue. It has been shown that this power must be exercised with a view to its proper objects, and that every regulation that looks further than the attainment of these objects is unwarranted; and in relation to this directorship, I think it must be apparent, that it is entirely foreign to these objects; or, if in a slight degree incidentally connected with them, that its main bearing is upon other points, and that its general tendency, by the concurring testimony of all parties, is to communicate an influence to the Government of the United States of an extremely dangerous character. The bill, therefore, in this respect, is unconstitutional.

The remaining constitutional objection to this bill arises from its interference with the concurrent power of the States. It is to operate upon the State banks, "peaceably if it can, forcibly if it must." With this object in view, the bill no doubt has been formed to have due effect. Indeed, with the controlling influence of the Government, it cannot fail to accomplish its object, whenever the necessary impulse for that purpose shall be given. If a faculty is communicated to a power in this Government to regulate a concurrent power in the State governments, there is an end at once of the co-ordinancy of these powers; one of them instantly becomes only the humble dependent upon the other, and must even cease its existence whenever the will and pleasure of its superior shall be known. How extraordinary has been the course of opinions upon this subject!

Mr. DANA made a brief reply; after which the question was taken on the motion, and negatived—yeas 6, nays 29.

WEDNESDAY, April 8.

Bank of the United States.

The amendments to the bill, entitled "An

act to incorporate the subscribers to the Bank of the United States," having been reported by the committee correctly engrossed, the bill was read a third time, as amended; and, the blanks having been filled, the bill was further amended by unanimous consent.

On the question, "Shall this bill pass, as amended?" it was determined in the affirmative—yeas 22, nays 12, as follows:

YEAS.—Messrs. Barbour, Barry, Brown, Campbell, Chace, Condit, Daggett, Fromentin, Harper, Horsey, Howell, Hunter, Lacock, Mason of Virginia, Morrow, Roberts, Talbot, Tait, Taylor, Turner, Varnum, and Williams.

NAYS.—Messrs. Dana, Gaillard, Goldsborough, Gore, King, Macon, Mason of New Hampshire, Rugles, Sanford, Tichenor, Wells, and Wilson.

THURSDAY, April 4.

Navigation System.

The bill "to establish a navigation system for the United States" being under consideration, Mr. HARPER moved to recommit it to the Committee of Foreign Relations, and to refer to the same committee the following resolutions, which he read in his place, and laid on the table, viz:

Resolved, That provision ought to be made by law for excluding gradually from the naval and merchant service of the United States all persons other than native citizens, or citizens heretofore naturalized.

Resolved, That provision ought to be made by law for compelling merchant vessels of the United States to have on board a number of apprentices, in proportion to the tonnage of such vessels, respectively.

Mr. HARPER said his object in moving this recommitment was to prevail on the Senate, if possible, to remould the bill, so as to incorporate into it the new ideas contained in these resolutions—new, he meant, as respected that bill, though no doubt very familiar within these walls, and to well-informed and reflecting men throughout the country. And as the motion, should it prevail, would give a new shape to the bill, and a new character to our whole maritime system—a character which he deemed it of the highest importance to impart to that great branch of our policy—he thought it incumbent on him to state, somewhat at large, the leading considerations which, in his opinion, recommended this measure. He was sensible that neither those considerations nor the measure itself were new in that House or to the nation. They had often no doubt been the subject of reflection and discussion abroad, and sometimes of deliberation within those walls; but as he—not having then the honor of a seat in that body—had no part in those deliberations, he might perhaps be more readily excused, for occupying some portion of its time with his ideas concerning the great interests involved in the question.

TUESDAY, April 9.

Application for a Senator to testify before a Committee of the House.

The Senate proceeded to consider the resolu-

tion of the House of Representatives requesting the attendance of the honorable Nathan Sanford, a member of the Senate, before the committee of that House, for the purpose of giving his testimony in the matter under examination of the said committee, concerning the alleged misconduct of Matthias B. Tallmadge, one of the Judges of the District Court for the State of New York.

Whereupon, Mr. KING submitted the following motion for consideration:

Resolved, That the Senate, in compliance with the resolution of the House of Representatives of yesterday, do allow the attendance of the honorable Nathan Sanford, a member of this House, before the committee of the House of Representatives, for the purpose of giving his testimony in the matter under examination of the said committee, concerning the alleged misconduct of Matthias B. Tallmadge, one of the judges of the District Court for the State of New York.

Death of the Representative, Richard Stanford, Esq.

A message from the House of Representatives announced to the Senate the death of the Hon. RICHARD STANFORD, a member of the House of Representatives from the State of North Carolina, and that his funeral will take place to-morrow at 12 o'clock. Whereupon, on motion by Mr. MAOON,

Resolved, unanimously, That the Senate will attend the funeral of the Hon. RICHARD STANFORD, late a member of the House of Representatives from the State of North Carolina, to-morrow at 12 o'clock; and, as a testimony of respect for the memory of the deceased, they will go into mourning, and wear a black crape round the left arm for thirty days.

THURSDAY, April 11.

Patent Office.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

With the view to the more convenient arrangement of the important and growing business connected with the grant of exclusive rights to inventors and authors, I recommend the establishment of a distinct office within the Department of State, to be charged therewith, under a director, with a salary adequate to his services, and with the privilege of franking communications by mail from and to the office. I recommend, also, that further restraints be imposed on the issue of patents to wrongful claimants, and further guards provided against fraudulent exactions of fees by persons possessed of patents.

JAMES MADISON.

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FRIDAY, April 12.

Senator allowed to attend a Committee of the H. R. to testify.

The Senate resumed the consideration of the motion submitted the 9th instant, by Mr. KING, which was amended and agreed to as follows:

Resolved, That the Senate in compliance with

the resolution of the House of Representatives of the 8th instant, do allow the attendance of the honorable NATHAN SANFORD, a member of this House, before the committee of the House of Representatives, for the purpose of giving his testimony in the matter under examination of the said committee concerning the alleged misconduct of Matthias B. Tallmadge, one of the judges of the district court for the State of New York.

Introduction of Slaves in the District of Columbia.

The bill concerning the District of Columbia, (authorizing the introduction of slaves into the District of Columbia, the property of persons coming to reside here,) was read a third time; and on the question, "Shall this bill pass?" it was determined in the negative—yeas 18, nays 16, as follows:

YEAS.—Messrs. Barbour, Barry, Brown, Fromentin, Gaillard, Goldsborough, Lacock, Macon, Mason of Virginia, Roberts, Tait, Turner, and Williams.

NAYS.—Messrs. Condit, Daggett, Dana, Gora, Horsey, Hunter, Mason of New Hampshire, Morrow, Ruggles, Sanford, Talbot, Thompson, Tichenor, Varnum, Wiles, and Wilson.

WEDNESDAY, April 24.

Engineer Corps.

Mr. BARBOUR submitted the following motion for consideration:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to employ, in addition to the corps of engineers as now established, a skillful assistant, whose compensation shall not exceed the pay, forage, rations, and other emoluments of Brigadier General.

MONDAY, April 29.

Revenue Currency.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution relative to the more effectual collection of the public revenue, together with the amendments proposed thereto.

The resolution was in the following words:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary, to cause, as soon as may be, all duties, taxes, debts, or sums of money accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared; and that, from and after the twentieth day of February next, no such duties, taxes, debts, or sums of money accruing or becoming payable to the United States as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States.

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Reward to Faithful Attendants.

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Mr. CAMPBELL moved to add a clause (substantially) to include in the receivable paper, the notes of all banks which shall pay their notes on demand in the legal currency of the United States; which was agreed to.

On the question, "Shall the amendments be engrossed, and the resolution read a third time as amended?" it was determined in the affirmative—yeas 19, nays 11, as follows:

YEAS.—Messrs. Barry, Bibb, Campbell, Chace, Condit, Daggett, Dana, Fromentin, Gaillard, Harper, Howell, Macon, Mason of Virginia, Sanford, Tait, Tichenor, Turner, Varnum, and Williams.

NAYS.—Messrs. Barbour, Goldsborough, Gore, King, Lacock, Mason of New Hampshire, Morrow, Roberts, Ruggles, Wells, and Wilson.

TUESDAY, April 80.

Reward to Faithful Attendants.

Mr. LACOCK submitted the following resolution:

Resolved, That there be paid out of the contingent fund of this House to Robert Tweedy, Tobias Simpson, and George Hicks, the extra sum of one hundred dollars each, as a gratuity for their uniform good conduct.

And the resolution was three times read by unanimous consent and passed.

Mr. VARNUM reported from the joint committee that they had waited on the President of the United States, who informed them that he had no further communication to make to the two Houses of Congress.

A message from the House of Representatives informed the Senate that the House, having finished the business before them, are about to adjourn.

Ordered, That the Secretary inform the House of Representatives that the Senate, having finished the Legislative business before them, are about to adjourn.

Whereupon, the PRESIDENT adjourned the Senate *sine die*.

FOURTEENTH CONGRESS.—FIRST SESSION.

PROCEEDINGS AND DEBATES

IN

THE HOUSE OF REPRESENTATIVES.*

MONDAY, December 4, 1815.

This being the day appointed by the Constitution of the United States for the meeting of Congress, the following members of the House of Representatives appeared, produced their credentials, and took their seats, to wit:

From New Hampshire—Charles H. Atherton, Bradbury Cilley, Roger Vose, and Jeduthun Wilcox.

From Massachusetts—William Baylies, George Bradbury, Elijah Brigham, Benjamin Brown, Samuel S. Conner, John W. Hulbert, Cyrus King, Jeremiah Nelson, Albion K. Parris, Timothy Pickering, John Reed, Thomas Rice, Nathaniel Ruggles, and Solomon Strong.

From Rhode Island—John L. Boss, junior.

* LIST OF REPRESENTATIVES.

New Hampshire—Charles H. Atherton, Bradbury Cilley, William Hale, Roger Vose, Jeduthun Wilcox.

Massachusetts—William Baylies, Geo. Bradbury, Elijah Brigham, Benjamin Brown, Samuel S. Conner, John W. Hulbert, Cyrus King, Elijah H. Mills, Jeremiah Nelson, Albion K. Parris, Timothy Pickering, John Reed, Thomas Rice, Nathaniel Ruggles, Asahel Stearnes, Solomon Strong, Samuel Taggart, Laban Wheaton, Artemas Ward, Daniel Webster.

Rhode Island—John L. Boss, jr., James B. Mason.

Connecticut—Epaphroditus Champion, John Davenport, Jr., Lyman Law, Jonathan O. Mosely, Timothy Pitkin, Lewis B. Sturges, Benjamin Tallmadge.

Vermont—Daniel Chipman, Luther Jewett, Chauncey Langdon, Asa Lyon, John Noyes, Charles Marsh.

New York—Samuel R. Betts, James Birdsell, Micajah Brooks, Asa Adgate, Victory Birdseye, Oliver C. Comstock, Henry Crocheron, Daniel Cady, Thomas R. Gold, Thomas P. Grosvenor, Jabez B. Hammond, Moses Kent, John Lovett, Hosea Moffitt, Peter B. Porter, John Savage, Abraham H. Schenck, John W. Taylor, George Townsend, Enos T. Throop, Jonathan Ward, Westel Willoughby, jr., James W. Wilkin, Peter H. Wendover, John B. Yates.

New Jersey—Ezra Baker, Benjamin Bennett, Ephraim Bateman, Lewis Condict, Henry Southard, Thomas Ward.

Pennsylvania—Thomas Burnside, William Crawford, William Darlington, Hugh Glasgow, Isaac Griffin, John Hahn, Joseph Heister, Joseph Hopkinson, Samuel D. Ingham, Jared Irwin, Aaron Lyle, William Macley, William Milnor, William Piper, John Ross, John Sergeant, Thomas Smith, James Wallace, John Whiteside, Thomas Wilson, William Wilson.

From Connecticut—Epaphroditus Champion, John Davenport, jun., Lyman Law, Jonathan O. Mosely, and Lewis B. Sturges.

From Vermont—Daniel Chipman, Luther Jewett, Chauncey Langdon, Asa Lyon, Charles Marsh, and John Noyes.

From New York—Samuel R. Betts, James Birdsell, Micajah Brooks, Oliver C. Comstock, Henry Crocheron, Thomas R. Gold, Jabez D. Hammond, John Lovett, Hosea Moffitt, John Savage, Abraham H. Schenck, John W. Taylor, Enos T. Throop, George Townsend, Jonathan Ward, and James W. Wilkin.

From New Jersey—Ezra Baker, Ephraim Bateman, and Henry Southard.

From Pennsylvania—William Crawford, William Darlington, John Hahn, Joseph Heister, Joseph Hop-

Delaware—Thomas Cooper, Thomas Clayton.

Maryland—Stevenson Archer, George Baer, John C. Herbert, Charles Goldsborough, William Pinkney, Philip Stuart, Robert Wright.

Virginia—Philip P. Barbour, Burwell Bassett, James Breckenridge, William A. Burwell, John Clopton, Thomas Gholson, Peterson Goodwyn, Aylett Hawes, John P. Hungerford, James Johnson, John G. Jackson, John Kerr, Joseph Lewis, jr., William McCoy, Hugh Nelson, Thomas Newton, James Pleasants, jr., John Randolph, William H. Roane, Ballard Smith, Daniel Sheffey, Magnus Tate, Henry St. George Tucker.

North Carolina—Joseph H. Bryan, James W. Clarke, John Culpeper, Weldon N. Edwards, Daniel M. Forney, William Gaston, William B. King, William C. Love, Nathaniel Macon, William H. Murfree, Israel Pickens, Richard Stanford, Lewis Williams, Bartlett Yancey.

South Carolina—John C. Calhoun, John J. Chappell, Benjamin Huger, William Lowndes, William Mayrant, Henry Middleton, Thomas Moore, John Taylor, William Woodward.

Georgia—Alfred Outhbert, Bolling Hall, John Forsyth, Wilson Lumpkin, Thomas Telfair, Richard Henry Wilde.

Kentucky—James Clark, Henry Clay, Joseph Desha, Benjamin Hardin, Richard M. Johnson, Alney McLean, Samuel McKee, Stephen Ormsby, Solomon P. Sharpe, Missa Taul.

Tennessee—William G. Blount, Newton Cannon, Bennett H. Henderson, Samuel Powell, James B. Reynolds, Isaac Thomas.

Ohio—John Alexander, James Caldwell, David Cadenin, William Crelighton, jr., John McLean.

Louisiana—Thomas Bolling Robertson.

Missouri Territory—Eufus Easton, Delegate.

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The New Building.

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kinson, Samuel D. Ingham, Aaron Lyle, William Maclay, William Milnor, William Piper, Thomas Smith, James Wallace, John Whiteside, Thomas Wilson, and William Wilson.

From Delaware—Thomas Cooper.

From Maryland—John C. Herbert, Philip Stuart, and Robert Wright.

From Virginia—Philip P. Barbour, James Breckenridge, William A. Burwell, Thomas Gholson, Peter Goodwyn, Aylett Hawes, John P. Hungerford, Joseph Lewis, jun., William McCoy, Hugh Nelson, Thomas Newton, James Pleasants, jun., William H. Roane, Ballard Smith, Magnus Tate, and Henry St. George Tucker.

From North Carolina—Joseph H. Bryan, James W. Charles, John Culpeper, Nathaniel Macon, William H. Murfree, Richard Stanford, Lewis Williams, and Bartlett Yancey.

From South Carolina—John C. Calhoun, John J. Chappell, William Lowndes, William Mayrant, Henry Middleton, Thomas Moore, John Taylor, and William Woodward.

From Georgia—John Forsyth, Bolling Hall, Wilson Lumpkin, and Richard Henry Wilde.

From Kentucky—James Clark, Henry Clay, Joseph Desha, Richard M. Johnson, Alney McLean, Stephen Ormsby, Solomon P. Sharpe, and Micah Taul.

From Tennessee—Newton Cannon, Bennett H. Henderson, Samuel Powell, James B. Reynolds, and Isaac Thomas.

From Ohio—John Alexander, James Caldwell, David Clendenin, William Creighton, jun., and John McLean.

From Louisiana—Thomas B. Robertson.

A quorum, consisting of a majority of the whole number of members, being present, the House proceeded, by ballot, to the choice of a Speaker, and, upon examining the ballots, it appeared that HENRY CLAY, one of the Representatives for the State of Kentucky, was duly elected: Whereupon, Mr. CLAY was conducted to the Speaker's Chair, and the oath to support the Constitution of the United States, as prescribed by the act, entitled "An act to regulate the time and manner of administering certain oaths," was administered to him by Mr. WRIGHT, one of the members for the State of Maryland; after which he made his acknowledgments to the House in the following words:

"GENTLEMEN: It is not merely in compliance with a respectful usage, but from the most profound gratitude, that I thank you for the honor which you have just conferred on me. I shall find, in the discharge of the arduous duties of the Chair, considerable alleviation, from the natural progress of the system of order, and from the improvement which it has received under the able presidency of my predecessor. But, gentlemen, it is chiefly upon your liberal co-operation and support that I place my reliance. Under the expectation of receiving this, I shall proceed, with all the impartiality of which I am capable, to the execution of the duties which you have assigned me, soliciting your indulgence for unintentional error, and soliciting it particularly during my present indisposition."

The oath or affirmation to support the Constitution of the United States, as prescribed by the act above mentioned, was then administered

ed, by the SPEAKER, to all the other members present.

WILLIAM LATTIMORE, from the Mississippi Territory; JONATHAN JENNINGS, from the Indiana Territory; and BENJAMIN STEPHENSON, from the Illinois Territory, having also appeared and produced their credentials as delegates to represent the said Territories in the fourteenth Congress, the said oath was administered to them by the SPEAKER, when they took their seats.

The House proceeded to elect a Clerk, when it appeared that of one hundred and twenty-two votes, THOMAS DOUGHERTY, Esq., had one hundred and fourteen, and was, therefore, duly elected.

On motion of Mr. WRIGHT, after some little discussion, it was

Resolved, That Thomas Dunn be appointed Sergeant at Arms; Thomas Claxton, Doorkeeper; and Benjamin Burch, Assistant Doorkeeper to this House.

TUESDAY, December 5.

Several other members, to wit: from Pennsylvania, JARED IRWIN; from Maryland, GEORGE BAER; from Virginia, JAMES JOHNSON, JOHN KERR, and DANIEL SHEREFFY; and from North Carolina, WILLIAM GASTON and DANIEL M. FORNEY, appeared, produced their credentials, were qualified, and took their seats.

Mr. WRIGHT, from the joint committee appointed yesterday to wait on the President of the United States, reported that the committee had performed that service, and that the President answered that he would make a communication to the two Houses to-day, at twelve o'clock.

A message was then received from the PRESIDENT OF THE UNITED STATES, which was read, and referred to the Committee of the Whole on the state of the Union. [For this Message see Senate proceedings of this date, *ante* page 442.]

WEDNESDAY, December 6.

Several other members, to wit: from New Jersey, LEWIS CONDIOT; from Pennsylvania, JOHN SERGEANT, and from North Carolina, WILLIAM O. LOVE, appeared, produced their credentials, were qualified, and repaired to their seats.

THURSDAY, December 7.

Several other members, to wit: from Massachusetts, SAMUEL TAGGART and LABAN WHEATON; from New York, ASA ADGATE; and from Pennsylvania, HUGH GLASGOW, appeared, produced their credentials, were qualified, and took their seats.

The New Building.

Mr. LOWDNES, from the committee on the subject, delivered in the following report:

"The committee appointed on the part of the House of Representatives to inquire, in conjunction with a committee on the part of the Senate, into the state of

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the new building on Capitol Hill, offered by the proprietors for the accommodation of Congress, upon what terms the said building could be obtained until the Capitol may be ready for their reception, report: That, having examined the building in question, they consider it much better adapted to the convenience of both Houses of Congress than that they at present occupy. The committee appointed by the owners of the building, have represented it as having cost (with the land attached to it) thirty thousand dollars, five of which has been expended on objects necessary for the accommodation of Congress, which will become useless when they shall leave the building. This committee have stated that the proprietors will be fully satisfied to enter into a contract with the United States under which they shall receive \$5,000, with an annual rent of \$1,650, (being an interest upon their capital of six per cent., with the addition of the price of insurance,) making the lease determinable at the pleasure of Congress. Should these terms be acceded to by Congress, the committee believe that the building will be ready for their reception on Monday next. The terms appear to the committee of both Houses to be equitable, and they have submitted a bill to carry them into effect."

Mr. LOWNDES then reported a bill to authorize the President of the United States to lease, on the terms therein mentioned, "the new building on Capitol Hill, with the appurtenances, for the better accommodation of Congress;" which was twice read, referred to a Committee of the Whole, passed through a Committee of the Whole, engrossed, and read a third time, and sent to the Senate for concurrence.

Chaplain to the House.

The House proceeded to ballot for a Chaplain on its part to serve during the session; when, after several ballotings, the Rev. SPENCER H. CONE, having a majority of votes, was declared to be duly elected.

MONDAY, December 11.

Several other members, to wit: from New York, PETER B. PORTER; from Pennsylvania, THOMAS BURNSIDE; from Maryland, STEVENSON ACHER; from Virginia, JOHN OLOPTON; from North Carolina, WILLIAM R. KING and ISRAEL PICKENS; from South Carolina, BENJAMIN HUGER; and from Georgia, ALFRED CUTBERT and THOMAS TELFAIR, appeared, produced their credentials, were qualified, and took their seats.

RUFUS EASTON also appeared and took his seat, as the delegate for the Territory of Missouri.

TUESDAY, December 12.

Several other members, to wit: from New York, DANIEL OADY; from Maryland, CHARLES GOLDSBOROUGH; from Virginia, BURWELL BASSETT; and from Kentucky, BENJAMIN HARDIN, appeared, were qualified, and took their seats.

WEDNESDAY, December 13.

Several other members, to wit: from Massachusetts, ELIJAH H. MILLS; from New York,

MOSS KENT; from Delaware, THOMAS CLATTON, and from Pennsylvania, ISAAC GRIFFIN, appeared, produced their credentials, were qualified, and took their seats.

WESTEL WILLOUGHBY, jr., from New York, who was, on yesterday, declared duly elected a member of this House, in the place of William S. Smith, also appeared, was qualified, and took his seat.

The SPEAKER laid before the House the following letter from Mr. MACON, of North Carolina:

To the Speaker of the House of Representatives:

SIR: I deem it my duty to inform you and the members of the House, that I have this day, by letter to the Governor of North Carolina, resigned my seat in the House of Representatives.

I cannot withdraw from those with whom I have been associated for years without expressing the grateful sense I entertain of their uniform kindness, and assuring them that it will be remembered with pleasure during my life.

I am, sir, your obedient servant,

NATH. MACON.

WASHINGTON, Dec. 13, 1815.

Settlers in Missouri.

Mr. EASTON moved the following resolution:

Resolved, That the Committee on the Public Lands be instructed to inquire whether any, and if any, what alterations and amendments are necessary to be made in the law giving the right of pre-emption to settlers on the public lands in the Territory of Missouri.

A motion was made by another gentleman to amend the same by adding thereto the words, "and also in the Territories of Illinois and Indiana." Upon which motion

Mr. EASTON observed, that the law giving the right of pre-emption to the settlers on the public lands in the Illinois Territory had been amended at the last session. He was not, however, opposed to the proposed inquiry; that the object of the resolution offered by him was to place those settlers on the public lands in the Missouri Territory upon a similar footing to such settlers on the Illinois Territory; that the law of Congress of April 12, 1814, gave to the settlers on the public lands, in the Territory of Missouri, the right of pre-emption in the purchase thereof upon the same terms as is granted to settlers of the like description in the Illinois Territory, by the act of the 5th of February, 1813, which had been amended at the last session of Congress. By a reference to the last-mentioned act of Congress, it would be found that no person can purchase, under the provision of the act, more than one quarter section of land, and that to be bounded by the sectional and quarter sectional lines; that by those acts of Congress, no provision has been made in favor of settlers upon fractional sections, of less quantity than one hundred and sixty acres, and fractional quarter sections; that by the general provisions made by law, the officers of the land offices are prohibited to

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sell lands in less quantity than tracts of one hundred and sixty acres; that in the Indiana Territory the lands had been surveyed, and the settlers then located themselves within certain known boundaries; that it was not so in Missouri Territory, where the private claims to land had been adjusting for more than twelve years, and the public lands are not yet surveyed; many persons had settled under Spanish grants, some of which had been annulled by the Government; that among the numerous private claims there would be found a great many fractional sections and fractional quarters of less quantity than one hundred and sixty acres, upon which persons are settled; and the object of the resolution offered by him was to secure to each settler on the public lands his improvement in that Territory.

The amendment was adopted and the resolution agreed to.

FRIDAY, December 15.

Another member, to wit, from Virginia, JOHN G. JACKSON, appeared, produced his credentials, was qualified, and took his seat.

MONDAY, December 18.

Several other members, to wit: from the State of New York, THOMAS B. GROSVENOR and JOHN B. YATES, and from the State of Pennsylvania, JOHN ROSS, appeared, produced their credentials, were qualified, and took their seats.

WEDNESDAY, December 20.

Two other members, to wit: from New York, VICTORY BIRDSEYE, and from Kentucky, SAMUEL MCKEE, appeared, produced their credentials, were qualified, and took their seats.

THURSDAY, December 21.

Two members, to wit: from Rhode Island, JAMES B. MASON, and from New York, PETER H. WENDOVER, appeared, produced their credentials, were qualified, and took their seats.

Congressional Reservation.

On motion of Mr. REYNOLDS, the House proceeded to the consideration of the following resolve, submitted by him a few days ago:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of appropriating all that tract of land known by the name of the "Congressional Reservation," lying in the counties of Maury and Giles, in the State of Tennessee, for the extinguishment of the Gerienne land warrants issued by the State of North Carolina, and that the actual occupants within the bounds of said tract, who have been living on said land on the first day of January last past, shall have a preference to perfect titles thereto: *Provided*, No one shall be permitted to appropriate more than six hundred and forty acres, nor less than fifty acres, of land.

This motion Mr. YANCEY proposed to amend, by striking out the whole, except the word

"*Resolved*," and inserting the following, in lieu thereof:

"That the Committee on Public Lands be instructed to inquire into the expediency of appropriating so much of the land lying in the State of Tennessee, known by the name of the 'Congressional Reservation,' as may be sufficient to extinguish the claims under land warrants issued by the State of North Carolina, agreeably to the third section of an act of Congress of the 18th of April, 1806, entitled 'An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle claims to the vacant and unappropriated land within the same.'"

Mr. YANCEY supported his motion, by showing how the interest of North Carolina would be injuriously affected by the passage of the resolution in its present shape.

Mr. REYNOLDS said he had no objection to the amendment, except his anxiety that those persons who had settled on these lands seven or eight years, and to this day been undisturbed by the Government, should have the preference in purchasing. He had their case much at heart. If ever there were people in the Union entitled to the right of pre-emption, it was those people. They formed the barrier of that country. They were a part of the brave men that defeated the Creek Indians; and even partook in the glory of the defence of Louisiana, when their country required their services. Such men deserved attention from Government. But being also anxious for the other object of his motion, and there appearing to be an objection to connecting them, he should consent to the amendment now proposed.

Mr. GASTON took a view of the successive laws of North Carolina, Tennessee, and the United States, on the subject of these land claims. The State of North Carolina, in parting with her rights to the United States, in 1803 or 1804, had done it on certain conditions; one of which was, that, in obtaining titles, no preference should be given to the citizens of Tennessee over those of any other State. It was therefore immaterial, he said, what were the particular merits of the individuals to whom the gentleman from Tennessee desired to secure the right of pre-emption. If the hands of Congress were tied up by the terms of the act of cession of North Carolina, the merits of these settlers on the lands would not avail to establish their claim to pre-emption rights.

Mr. ROBERTSON thought the discussion of the claims of actual settlers to rights of pre-emption to be at this time premature, as not properly before the House. He saw no objection to the resolution now proposed to be amended.

Mr. PICKENS spoke in favor of the amendment. The State of North Carolina had made a grant of her rights in an act containing certain conditions, and requiring the assent of Congress as a preliminary. The assent contained in the act of Congress in 1806, in the opinion of North Carolina, was not sufficient

to satisfy her previous act; and, in consequence of this insufficiency, she had repealed her first act. The question, whether this repeal was valid, would depend on the question whether the act of Congress of 1806 contained the reservations in favor of North Carolina, which she required as the conditions of the surrender of her rights. The last clause of the original resolution, which the gentleman from Tennessee had so much at heart, embraced a principle on which, in his opinion, the Congress had no right to act, North Carolina having expressly stipulated against it.

The amendment proposed by Mr. YANCEY was agreed to; and, thus agreed to, the resolution was passed.

FRIDAY, December 22.

Public Lands.

Mr. HENDERSON, of Tennessee, submitted the following resolution for consideration :

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of allowing to those persons claiming public lands in the Mississippi Territory under an act of the Legislature of Georgia, passed January 7, 1795, who have failed to compromise and make a settlement of their claims in conformity with the provisions of an act of Congress, entitled an act for the indemnification of certain claimants of public lands in the Mississippi Territory, within the time therein limited, a further time to obtain the benefit of said mentioned act.

The resolution was agreed to.

Private Losses in Service, &c.

On motion of Mr. YANCEY, the House resolved itself into a Committee of the Whole, on the bill authorizing the payment for private property lost, captured, or destroyed, whilst in the service of the United States, during the late war.

The most earnest discussion took place on motions successively made by Messrs DESHA, THOMAS, WILDE, and CLAY, to amend the bill so as to include the case of the horses belonging to those militia who captured Proctor's army, that were lost in consequence of their riders being separated from, and crossing the lake without their horses, which were left in the care of the United States officers.

These motions were advocated by the above gentlemen, and others, and opposed by Mr. YANCEY and others. The main objection of them was, that the daily allowance (by the act of 1795) to mounted volunteers and militia, for the use of their horses, was intended to cover all risks, except those incident to battle; and that the accidents of breaking loose, getting mired, &c., by which the horses in question were lost, were such as were intended to be covered by the liberal allowance of forty cents per day for the use and risk of horses. On the other hand it was contended with force, that the United States, having separated the rider from his horse, and assumed the care of it, was liable for accidents which occurred, generally, in con-

sequence of the absence of the care and attention bestowed on the animal by its proprietor.

No one of the amendments on this subject prevailed, all of them being negatived, by 20 or 30 majority.

The following are Mr. DESHA's remarks on the above bill:

Mr. DESHA said his object in rising was to move that so much of the amendment, proposed by the Chairman of the Committee of Claims, to the bill under consideration, as relates to a deduction of forty cents per day, allowed by the act of 1795, for the use and risk of horses, should be struck out. He flattered himself, that before he sat down, he should be able to convince the honorable gentleman, that the bill with his amendment, unless the part that relates to the deduction of forty cents per day should be erased, was partial in its provisions, and manifestly unjust, particularly as related to Governor Shelby's volunteers, who were separated from their horses on Lake Erie, in the Fall of 1813. The bill, as it now stands, makes provision for paying for horses lost, in consequence of the failure, on the part of Government, to furnish a sufficiency of forage, without any deduction—neither ought there to be any. This is just; but how does it stand in relation to horses lost in consequence of the owners being separated from them by order of the commanding General, as was the case with Governor Shelby's men, who, under the order of the commanding officer, left their horses on the peninsula, between Sandusky and Portage River, crossed the lake where it was forty miles wide, principally in open boats, pursued the enemy upwards of a hundred miles into the interior of Canada, overtook them, and with the aid of a regiment of volunteers, commanded by my worthy colleague, captured Proctor's army, and defeated, with considerable slaughter, hosts of the savage allies of Britain. And can it be said that these men did not render as important services as those who lost their horses for want of forage? Then why this deduction of forty cents per day, from the commencement of the service? It is partiality in the extreme. I have no hesitation in saying, that Government is bound, in justice, to pay for all horses lost at Portage, by accident or otherwise. The horses, for upwards of four weeks, were virtually and indeed actually in possession of the Government, by order of its agent, during which time the owners had no control over them; men were left to take care of themselves, and to prevent them from breaking over the fence made across the peninsula. Then I say, in law, equity, and justice, that all losses sustained during this time, the Government is bound to pay for; and to refuse, I have no hesitation in saying, is manifest injustice.

What was the situation on your borders at the time the volunteers tendered their services? Hull had surrendered up an army. Winchester had been defeated at the river Raisin. Dudley's regiment was cut up at the Rapids. The

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blood of the frontier inhabitants was flowing under the tomahawk and scalping knife. Dis-may hovered on your borders. Such was the situation when the aged and patriotic Shelby, Governor of Kentucky, beat up for volunteers. After it was known that he would head them in person and lead them against the enemy, a short notice produced at the place of rendezvous, thirty-five or six hundred volunteers prepared to follow their patriotic leader into Canada, or anywhere else where they might be serviceable to their country. Pay was scarcely a consideration with them; yet they could not believe that their country would be ungrateful. The understanding was, that if their horses were lost, Government would pay for them. The quartermaster general, by the order, and under the eye of the Governor, had the horses valued by disinterested persons, and entered in a book for that purpose, copies of which, I believe, are deposited in the War Department. Under these circumstances, had not the volunteers a right to expect remuneration in case of losses, where such losses were not occasioned through any neglect on their part—and will Government act ungratefully towards their patriotic sons of the West, who, with other exertions, captured a whole army, with the aid of my colleague's regiment, and wrested, as it were, the tomahawk and scalping knife from the hands of hordes of savages, by giving peace to the frontiers, by deducting forty cents per day from the hard-earned wages of men who rendered important services, and in doing which they had the misfortune to lose their horses? Will we by this act verify what has been so often said by the enemies of free Governments, that Republics are always ungrateful?

The bill was reported to the House with several amendments, and ordered to lie on the table.

Adjourned to Tuesday next.

TUESDAY, December 26.

Another member, to wit, from Connecticut, BENJAMIN TALLMADGE, appeared, produced his credentials, was qualified, and took his seat.

WEDNESDAY, December 27.

Private Losses in Service, &c.

The House resumed the consideration of the amendments reported by the Committee of the Whole to the bill making compensation for property lost, captured, or destroyed, while in the military service of the United States; and the said amendments being again read, were concurred in by the House.

Mr. JOHNSON said, the character of the men, immediately interested in this subject, had the strongest claim upon the justice of Congress. The farmers and mechanics, and men who, generally speaking, gained a livelihood by labor; men who had lived in domestic ease, quiet, and happiness, until called upon to defend the soil

and the rights of their country; men in moderate circumstances, and many of them really poor, flocked to your standard—virtuous, valiant, and patriotic. They never aimed at power, and authority, and distinction, save that which has arisen from the glory they have acquired from their valiant deeds, and having by their toils and sufferings elevated the character of the nation to the highest pinnacle, are satisfied to retire to private life to enjoy, under the shade of the vine and the fig tree, rights and privileges which they have, with others, defended. These are the men who must be affected by the decision of this question; these are the men who ask for justice, not charity, although they believe that, upon this principle, an appeal would not be vain. This bill makes unjust distinctions. Cases of hardships are omitted. Horses lost in battle, from unavoidable casualty, should be classed with horses killed in battle. No reason can be given why the distinction should be made. It is a distinction without difference. Justice discards any such rule. Why pay for horses killed in battle?—because the risk is no ordinary one, but extraordinary. The same reason will embrace horses lost in battle. In each case Congress is bound in justice and good policy to remunerate the sufferers.

Again, the bill provides for the payment of horses lost for want of forage; this is a very important provision, founded in justice, arising from an implied obligation on the part of the United States to pay damages resulting from a failure on the part of the Government to furnish forage, which was one condition upon which the mounted volunteer undertook to serve his country; and if it was impracticable to comply with this positive stipulation, and that is admitted, the misfortune should not rest upon the citizen soldiers, but on Government. But, Mr. J. said, a case as strong as either of the others presented itself for consideration, the payment for horses lost where the rider was dismounted by order of the commanding General. Take the memorable case of Governor Shelby and his gallant corps. Here again the principles of policy and justice plead for remuneration; the reason is obvious, an act of Government produced the result. The horses were in this case lost by an order of the commanding General, without any fault or negligence in the mounted volunteer. Can there be a stronger case? It may be strengthened, it may be placed, not only on the order of the commander, but on the intrinsic merit of that order. What causes produced this order? The impossibility of riding over the waters of Lake Erie, and the necessity of pursuing the enemy: If the President and his Cabinet had been there, would the order have been sanctioned? If Congress had been there, would Congress have sanctioned the order? These inquiries need no answer. Then, upon what principles can these claims be rejected, and all similar claims? for the argument will apply to all other cases. But the case may yet

be strengthened. In the result of the measure—in the destruction of the enemy in that quarter—compare the labors of these men with the paltry sum which will be expended in paying for a few lost horses. A provision has been reported to give these men pay for their horses, after deducting forty cents per day, which the law gave them. The proposition contains a most manifest injustice. The value of the horse, and the ordinary risk of the horse, were worth forty cents per day; and, notwithstanding, it is proposed to take away that which Government contracted to give the mounted volunteer. Did the Government have to use coercion? No, thousands flocked to the standard of their country in the hour of peril, not doubting in times of peace they should meet with at least justice if not liberality. Such was the confidence of the American people. It is to be hoped that this confidence was well founded; that this just expectation will be realized. But, Mr. J. said, members seemed to want correct information as to the services and value of the horse of a mounted volunteer. It dispensed with all the expensive train of baggage wagons and provision escorts. It saved thousands to the United States, at the moment that it enabled the commanding officer to protect invaded frontiers, to pursue the enemy, and force him to battle or surrender.

THURSDAY, December 28.

Cincinnati and Louisville Ports of Entry.

Mr. McLEAN, of Ohio, offered for consideration the following resolution:

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of establishing by law a port of entry at Cincinnati, in the State of Ohio."

Mr. McLEAN introduced the above resolution by observing, that a very respectable and wealthy association of gentlemen had been formed in Cincinnati for the purpose of importing goods from Europe to that place; that the agent of the company, before this time, had arrived in England, where he calculated on fixing his residence. He had also been informed, that another similar association was forming at the same place. The invaluable discovery of propelling boats by the agency of steam, would enable these enterprising associations to surmount with ease every difficulty in ascending the Mississippi and Ohio Rivers. He believed it would not require more than twenty-nine or thirty days to perform the voyage from Orleans to Cincinnati; it would neither be expensive nor hazardous. At present, Mr. M. observed, the city of New Orleans is the nearest port of delivery to Cincinnati. Of course, importers at the latter place would have to bond their duties at Orleans, and the time consumed in proceeding to Cincinnati would be lost, on the general credit given for the payment of duties. This inconvenience could only be remedied by the adoption of the measure proposed in the resolution. He had no doubt but that it would be in

the power of the committee to adopt such provisions as would effectually guard the revenue from fraud, which some may anticipate from so long an inland navigation.

On motion of Mr. JOHNSON, of Kentucky, the proposed resolution was amended by adding to the end of it the words, "Louisville, in the State of Kentucky;" and thus amended, was agreed to.

Private Losses in Service, &c.

The engrossed bill to authorize payment for property lost, captured, and destroyed by the enemy, whilst in the service of the United States, during the late war, was read the third time.

On this question, Mr. FORSYTH required the yeas and nays, being opposed to the passage of the bill, because, as he conceived, in it cases were identified which had no points of similarity; and, in general, the provisions of the bill were inconsistent with each other, and in some instances with the common principles of justice.

The bill was passed—yeas 118, nays 15.

Invalid Corps.

On motion of Mr. JOHNSON, the House resolved itself into a Committee of the Whole on the bill making provision for the support of the infirm, disabled, and superannuated officers of the army of the Revolution, of the late war, and of the army for the time being.

Mr. LOWNDES rose for the purpose of obtaining information whether the individuals to come in under this bill were to be considered on the footing of charity merely, or of actual service. There was nothing, he remarked, in the bill, fixing the degree of corporeal disability which should prevent an invalid from entering this corps. Under present impressions, he said, it appeared to him that the proposed invalid corps was too much in imitation of European institutions, but little adapted to the state of society which happily exists in our country. Mr. L. said he certainly should not object to any provision which charity or a just liberality to those who have suffered in the service of their country might present for consideration. He was not only willing, but anxious, to provide in any manner deemed best for those who are disabled by the injuries received in service from providing for themselves. But he wished to hear the reasons why Congress should depart from the old method, and, as he thought, the best method, of providing for such persons (by pensions) the means of support at their own homes, in order to collect them in a body, as was now proposed, though disabled from performing active duty. Such a system might suit countries, the Governments of which dare not trust the people with arms in their hands; those countries which required the continual presence of military power, and where there were always some duties for men in military array to perform, which invalids could execute as well as others. But here, where no such necessity existed, he thought it would be more charitable and profitable, in every point of view, to pursue a differ-

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ent course, and adhere to the old system of affording to disabled soldiers the means of support by moderate pensions.

Mr. JOHNSON, of Kentucky, pointed out the features of the bill, which described the duties and character to be attached to this corps. The persons composing it were not to be entitled to promotion, and were to be employed in garrison duty, or such stationary service as the President should direct, to which they would be nearly as competent as able-bodied men. It was not proposed to substitute this bill for the invalid pension system. The two systems might well exist together. Those who did not choose to enter this corps would, as at present, be entitled to pensions, which must be relinquished by those who enter into this service. The disabled soldier will have the option of the one or the other. As to the comparison between the proposed establishments and the institutions of Europe, Mr. J. said the supposed similarity did not exist, because the power of the Sovereign there depends on his troops, differing widely from our situation. In the old countries they have hospitals of invalids, who perform no duty whatever. The corps proposed by this bill was of a mixed character. Whilst they were supported by their country in comfort, they would requite its generosity by corresponding services. The support they receive will merely be a compensation for services rendered. The bill, therefore, is more of a military than charitable character, and is not meant as a substitute for the pension system.

Mr. WILDE moved an amendment to the bill, the object of which was to afford the benefit of its provisions to such of the militia of the United States as have actually served in war, and who have incurred disability by wounds or diseases contracted during their term of service. This motion he supported by arguments drawn from the merits of the militia thus disabled, and the injustice of making a discrimination in favor of regulars.

This amendment was agreed to.

The Committee of the Whole rose and reported the bill to the House. No opposition was made to any of the amendments to the bill, except the one last mentioned, which was opposed by Mr. HUME, who drew a distinction between the regulars and militia, whom, he said, he had rather see provided for in any other way. The amendment was defended by Mr. WILDE and Mr. JOHNSON, and was agreed to.

On the question whether the bill should pass to a third reading,

Mr. CONNER said he felt it his duty to rise on this occasion. He coincided with the sentiments of the gentleman from South Carolina, that the amendment proposed by the gentleman from Georgia was an improper amendment; that its effect was to mix corps which should be kept distinct, or destroy that *esprit du corps* which should ever prevail in an army. However, as the evil effects of the amendment in operation might not be very great, he would vote for the

bill in its present shape rather than it should not pass. Mr. C. said he believed the passage of that bill depended on whether motives of humanity, policy, and justice, should prevail over those of a merely pecuniary nature, and he trusted that that point would not for a moment remain doubtful in this honorable body. It was humane, and coincident with the dictates of the wisest policy, that hospitals be erected in the vicinity of the operations of armies, for the reception of the wounded. Certainly the same humanity and wisdom dictated that corps of invalids or hospitals for invalids be organized for the protection of those brave men who had been crippled in their country's service, and who have thus been disabled from application, or procuring the means of support. In his opinion the Government would be equally censurable for the neglect of the one as a General would be for the wanton abandonment of the other. This bill, while it provided for that object, would have the further highly beneficial effect of rendering disposable, for active operations in the field, a force of nearly the amount contemplated by the bill, which would otherwise be employed in garrison duty. A variety of considerations might be urged which would go to demonstrate that this subject is intimately connected with the interests of the Army, with creating a martial spirit, and affording inducements and means of a rapid augmentation of our Military Establishment in times of danger and emergency. The Duke of Sully had recorded, as one of the finest strokes of policy, and as one of the greatest evidences of the masterly mind and benevolent heart of Henry IV., his establishment of a hospital for invalids. But Mr. C. forbore from urging such considerations, because he apprehended that arguments which had for their object the interest, or tended to demonstrate the efficiency of regular armies, would have but little weight with the honorable body of which he was a member.

The bill was ordered to be engrossed for a third reading.

FRIDAY, December 29.

Another member, to wit, from Maryland, ALEXANDER C. HANSON, appeared, produced his credentials, was qualified, and took his seat.

Admission of Mississippi.

Mr. LATTIMORE, from the committee appointed on the 6th instant on a petition of the Legislature of the Mississippi Territory, and to whom was referred a petition of the inhabitants of said Territory respecting a census, made a detailed report, which was read; when Mr. L. reported a bill to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States; which was read twice, and committed to a Committee of the Whole on Tuesday next.

The report is as follows:

By the articles of agreement and cession between the United States and the State of Georgia, it is provided "that the territory thus ceded [now Mississippi Territory] shall form a State, and be admitted as such into the Union, as soon as it shall contain sixty thousand free inhabitants, or at an earlier period, if Congress shall think it expedient, on the same conditions and restrictions, with the same privileges, and in the same manner, as is provided in the ordinance of Congress of the 18th of July, 1787, for the government of the Western Territory of the United States, which ordinance shall, in all its parts, extend to the territory contained in the present act of cession, that article only excepted which forbids slavery."

The memorialists, after stating the number of persons taken under the last general census, which was forty thousand three hundred and fifty-two of all descriptions, and adverting to the accession of population produced by the annexation of a part of West Florida, and by subsequent emigrations, conclude that the Territory contained at that time (December, 1814) the number required by the agreement referred to above to entitle it to admission on an equal footing with the original States. As this, however, was a matter of conjecture and uncertainty, they solicit admission as an act of courtesy on the part of the United States.

In relation to the simple question of admission, as presented by the memorialists, precedents are not wanting, either to encourage their application or to grant their request. The State of Ohio was admitted before it possessed the number which the ordinance required, and Louisiana did not come in, as to time or numbers, in virtue of a strict and insuperable claim. It is not improbable that the Mississippi Territory may contain at this time a greater population than either of these States did when they were admitted; and it is believed that its state of political minority and probation has been of longer duration than that of any of the adopted States.

WEDNESDAY, January 8, 1816.

Military Academies.

The House resolved itself into a Committee of the Whole, on the bill for the establishment of Military Academies.

Mr. Root, after some prefatory observations and subsequent illustrations, founded on what he conceived the abuse of the benefits of these institutions, by their being diverted to the purposes of general education of their sons by those wealthy or influential men who gained their sons admission there, moved the following amendment to the bill:

"That no candidate for a cadet (except as herein-after provided) shall be admitted into any of the academies aforesaid, who shall not be under the age of twenty-one years, nor until after he shall have been examined by the said professors and teachers, or a majority of them, and found to be well versed in the Latin, Greek, French, and Spanish languages; in history and geography, in the various branches of the mathematics, including trigonometry, geometry, and in moral, natural, and experimental philosophy and astronomy, and shall then, with approbation in writing of his father, mother, or guardian, as the case may require, engage, by a regular engagement, to serve for the term of five years, unless sooner promoted or discharged; and in case he shall absent

himself without leave, or be discharged for any other cause than lasting debility of body or mind, or in case of promotion shall refuse or neglect to accept thereof, or shall resign within three years thereafter, for any other cause than as above mentioned, the father, mother, or guardian, as the case may require, shall forfeit and pay to the United States, the full amount of the pay and emoluments of such cadet, during his continuance at any of the said academies: *Provided, nevertheless,* That whenever it shall appear to the President that any young man of natural abilities, is desirous of entering as a cadet into any of the said academies, and it shall be certified in writing, by his parent or guardian, that he or she is unable to educate his or her son or ward, and the verity of such certificate shall be satisfactorily established, it shall be lawful for the President to authorize his admission into any of the said academies, upon the terms heretofore in practice at the Military Academy at West Point; and provided, also, that any number of cadets above the age of fourteen, and under the age of twenty-one years, exceeding the number limited in and by this act, may be admitted into any of the said academies, and discharged on the request of their respective parents or guardians, on clothing and subsisting themselves, and without receiving pay or rations from the United States."

. This amendment was negatived by a considerable majority.

The question being on the committee's rising and reporting the bill as amended—

Mr. KING, of Massachusetts, said that had he been satisfied with the course of this debate, or could have hoped for such a decision on this bill as he could acquiesce in, he should not have troubled the House with any observations thereon. Gentlemen appeared to take many things for granted on this occasion, which, for one, he was not disposed, to concede; particularly the power of Congress to pass the bill in its present form, and the expediency of doing it. In what part of the constitution do we find, said he, the power for establishing these academies, or indeed any seminaries of learning? But I pray you, sir, let me not be misunderstood upon this subject; let it not be supposed that I wish to close any door of information which it is possible for us to keep open. No, sir; but I could have wished that much of our treasure which has been wasted in useless objects, could have been devoted to the cause of science; but this power does not appear to have been delegated to us by the people. Their money is not to be bestowed by us on any individual, unless for services rendered. It may be supposed by many, that this bill is similar in its provisions to that establishing the present Military Academy at West Point; but they vary totally in principle and features. By the 26th section of that act which passed in March, 1802, soon after Mr. Jefferson came into office, and was for fixing the Military Peace Establishment, the President was authorized to organize a corps of engineers, to consist of one principal engineer, six assistant engineers, and ten cadets, with power of promotion—but at no time to exceed twenty officers and cadets; by the 27th section they were

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Military Academies.

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stationed at West Point, and were to constitute a Military Academy, but were subject, at all times, to do duty in such places, and on such service as the President might direct. Thus they were, to every extent, a part of the Military Peace Establishment, and were organized as other troops are; not so the establishments contemplated by this bill; which goes to alter the present Establishment, and to convert the whole into seminaries of learning, and the cadets into students in the various arts and sciences—without any services to be rendered to the public for the expense which must be incurred in their education. And at the end of three or five years, they are thrown back upon society, with nothing but their swords to carve their way to fortune and to power. It is not consistent, sir, with the principles of our institutions, with the genius of our Republican Government, to form and cherish a body of this kind; mere soldiers of fortune. Gentlemen say that they are to be educated, to form officers for our standing army, and for the militia. I thought, sir, at the last session, when you fixed your Military Establishment—your standing army in time of peace—at ten thousand men, three times the number of your Peace Establishment under WASHINGTON and ADAMS, and four thousand more than was first voted in this House—the principal argument in favor of so large an establishment was, that it would afford us a sufficient number of well-instructed officers, should we again be involved in war. But, sir, how are these cadets to be incorporated as officers into your present Army? Do you intend they shall supersede the veteran officers of the line? Will that promote harmony in the ranks, or reward merit in your officers? Let them answer the question.

In what part of our constitution then, sir, do we find our power to establish academies on the principle contemplated by this bill? I shall probably be pointed to our power “to raise and support armies.” But do these cadets form any portion of our Army? Is it even intended, were they capable, that they should do duty as soldiers? Not at all. Sir, I do not like this mode of legislating the people out of their rights and their property, by degrees; you first pass a law, organizing a corps of engineers and cadets, provide for their instruction, for an equivalent in duty and service to be rendered by them, and place them in a Military Academy; you now convert this Military Academy into a seminary of learning generally, take away the equivalent, and educate the young men who may be so fortunate as to gain admission there, at the public expense. If you can thus constitutionally educate eight hundred young men, why not eight thousand—why not, indeed, all the youth of the country?—there would, indeed, be some equality if this latter case, as all the people would then be equally benefited.

Granting, however, for the argument, that you have the power to pass this bill—where is the necessity or the expediency of doing it? As I

before remarked, and as was on a former occasion contended by all those who now advocate this bill, will not your standing army of ten thousand men afford you officers sufficient—better instructed and accustomed to command? Nor, sir, is the expense of this establishment to be overlooked.

The honorable gentleman from the State of New York (Mr. ROOR) has proved that abuses have crept into the institution at West Point—that none but the sons of the rich and the powerful can gain admittance there. And the most odious partiality is manifested in some of the appointments in the Navy, particularly of midshipmen. Mere children, of the favored few, have been appointed, who never were on board a ship of war, and have nothing of the seaman about them except the anchor on their buttons; and this, too, to the exclusion of many brave and deserving sailors, masters, and mates, whom your restrictive acts drove from the merchants’ employ. I know of many improper appointments of this kind; some in this very city. However, they belonged to the royal cousins. It is a shame, sir, that the brave Navy of this country should suffer by such gross partiality. Many, able and willing to serve on board our gallant Navy, dear to their friends and an ornament to their country, despairing of obtaining better service, have been compelled by the pressure of the war, to seek employ and support on board your private armed vessels; and in too many cases their lives have been a forfeit to their necessities. And, sir, what will be the consequences of these abusive appointments in your Navy? These boys, always thus thrown in at the cabin-windows, will, from the dates of their commissions as midshipmen, be preferred to the hardy seaman who has weathered many a gale at sea, escaped the perils of the ocean, and survived the shock of battle.

Mr. HULBERT said he begged the indulgence of the committee a few minutes. He wished to reply to some observations which had fallen from his honorable colleague, (Mr. KING.)

He said he was surprised to hear the objection that Congress have no constitutional right to establish Military Academies. He believed it was the first time the objection had ever been made. If, as his colleague contended, the establishment of Military Academies was unconstitutional, it was not a little surprising that no one had ever before made the discovery. Several laws in relation to the institution at West Point had been passed under Administrations of very different political character; but whatever might have been thought of the expediency of those laws, he was confident no one had ever questioned their constitutionality. The Constitution of the United States says, “Congress shall have power to raise and support armies.” This he thought a clear and ample authority to pass the bill before us. His honorable colleague had asserted that this was the first time the terms “Military Academy” had ever been used in our laws. This was a great mistake. If the

gentleman had looked into the laws of 1802, he would have found the very terms which now appear to him so novel. His colleague had also asserted that the Military Academy formed no part of the Peace Establishment. Here he was equally erroneous. The corps of engineers constitutes the Academy at West Point, and that corps had been constantly preserved since its first organization, and the act of 1815, fixing the present Peace Establishment, expressly declares that that corps shall be retained. Mr. H. thought the point too plain to admit of a doubt.

My colleague, said Mr. H., has strenuously urged that the appointment of so great a number of cadets, as is contemplated by the bill, would give to the President an improper and dangerous patronage. To whom would the gentleman give the power of appointment? Might it not be made a system of favoritism by any other man, or body of men, as well as by the President? The President has by the constitution the power of appointing all officers of the Army, by and with the advice and consent of the Senate. But since the Senate cannot with convenience be consulted on the selection of each cadet, why not give the authority to the President alone? Mr. H. said he was one of those who never believed that Executive patronage was too great in this country. He would rather see it increased than lessened. All grants of power might be abused, but that was not a sufficient argument against the grant. As to the story of children strutting in the dress of midshipmen, Mr. H. said he strongly suspected that his colleague here had seen another bear; that he had been deceived by some mock military exhibition of the school boys of this city, which he had himself sometimes seen here and elsewhere, on holidays.

The committee then rose and reported the bill.

The question being on the number of cadets to be attached to the Military Academy or Corps of Engineers—

Mr. PICKERING opposed the number of eight hundred, which was proposed by the Military Committee.

Mr. CALHOUN opposed the reduction of the number of cadets; because, if the present number were retained, it would afford ample room for a proper selection of officers. In another point of view, he thought it materially necessary to retain the proposed number. The whole population of the United States is composed of men active, vigorous, and spirited. With good officers to lead them, you may at any time make out of any portion of them active, good soldiers. What is requisite to make our militia efficient? Military knowledge, only, said Mr. C. The cadets will many of them return to the body of the people, and become a part of the militia. Suppose a renewal of the struggle between us and the nation with whom we were recently at war; suppose she should put forth her whole strength to crush this young country; we shall

then find the use of having men qualified to lead our citizens to meet her invading foe. The whole population of the country becomes an efficient force, because it has among it men properly educated and qualified to lead an army into the field.

The amendments, which go to limit the additional academies to one, to be established at Knoxville, Tennessee, were agreed to without a division.

Mr. TAYLOR then moved an amendment, directing that the cadets should be admitted into the academies, from the several States and Territories, in numbers proportionate to the militia returns thereof, and that the Secretary of War should make an annual return of the names and residence of the cadets at these academies, the time of their admission, and their respective places of residence.

The motion was agreed to.

Some diversity of opinion, and some animated debate, took place on the number of cadets to be authorized by the bill. It ended in a motion, by Mr. TAYLOR, of New York, to strike out eight hundred, the number proposed by the bill, so as to leave it blank, to be filled according to a majority might then decide. For this motion there were 79 votes; against it, 55. So the motion was carried.

The question being taken on filling the blank with six hundred, it was decided in the affirmative—yeas 77.

On motion of Mr. HULBERT, the bill was re-committed to the Military Committee, to adjust its details to the principles already decided on.

Estimate of Expenses.

The SPEAKER laid before the House the estimates from the Treasury of the expenses of the Government for the ensuing year; which were referred to the Committee of Ways and Means.

The letter is as follows:

TREASURY DEPARTMENT, Jan. 2, 1816.

SIR: I have the honor to transmit, herewith, for the information of the House of Representatives, an estimate of the appropriations proposed for the service of the year 1816, amounting in the whole to the sum of nineteen millions nine hundred and fifteen thousand four hundred and thirty-one dollars and forty-five cents. There having been already appropriated, by the act of the 21st of December last, the sum of nine millions eight hundred and eighty-five thousand three hundred and seventy-two dollars, for certain military expenses, there will be left the sum of ten millions and thirty thousand and fifty-nine dollars forty-five cents, under the following heads, viz:

For the civil list	\$901,612 34
For miscellaneous expenses	573,071 11
For the expenses of intercourse with foreign nations	261,000 00
For the Military Establishment, including the Indian Department	14,541,677
From which, deducting the amount appropriated by the act of the 21st December, 1815	9,885,372

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System of Bankruptcy.

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There is left the sum of	4,656,305 00
For the Naval Establishment, including the Marine Corps	3,638,071 00
	<u>\$10,080,059 45</u>

The funds out of which the appropriations for the year 1816 may be discharged, are the following:

1. The sum of six hundred thousand dollars, annually reserved by the act of the 4th of August, 1790, out of the duties of customs, towards the expenses of Government.

2. The proceeds of the stamp duties, and the duty on sugar refined within the United States.

3. The surplus which may remain of the customs, the direct tax, and the internal duties, (other than those on refined sugar and on stamps,) after satisfying the payments for which they are pledged and appropriated.

4. The proceeds of such loans as may be made under the unexecuted authority, contained in the acts of the 14th of March, 1812; the 24th of March and 15th November, 1814; and the 3d of March, 1815; and of the issues of Treasury notes, under the unexecuted authority contained in the act of the 24th of February, 1815.

5. Any other unappropriated moneys which may come into the Treasury during the year 1816.

I have the honor to be, &c.

A. J. DALLAS.

HON. SPEAKER

Of the House of Representatives.

THURSDAY, JANUARY 4.

Settlers on the Public Lands.

Mr. JENNINGS rose and observed, that he wished to call the attention of the House to a subject growing out of a late proclamation of the President of the United States, ordering all settlers on the public lands to be removed after an early day in March next. By an act of Congress, dated the 8d of March, 1807, the President of the United States was authorized so to do; but, by the second section of the same act, a provision was made, that any such settlers who were actually settled on the public lands prior to the passage of that act, might continue to reside thereon; provided such settlers should, prior to the 1st of January, 1808, apply to the proper officers of the land offices, and obtain a permission to reside thereon, conditioned to deliver up possession whenever required by a purchaser of the United States, and conditioned, likewise, to commit no waste or damage while residing thereon.

Mr. J. observed, that he was not personally acquainted with the views of the Congress of the United States, in passing the act referred to, but, if he was correctly informed, the object was to bear materially on the settlers who had settled on the disputed tract of country, commonly called the Yazoo purchase, although the act has a general operation. Those persons who had settled on the public land, lying within the Territory of Indiana, before the war, had sat down on the lands last purchased of the Indians, and remained there, and still remain. These

persons, said Mr. J., have suffered greatly by their exposed situation to the attacks of the savages, and have been of great advantage in defending the frontier during the late hostility of the Northwest Indians. They, or a very great portion of them, he said, were now prepared with money to purchase so soon as those lands shall be exposed to sale by the Government. By these persons the operation of the proclamation will be severely felt, indeed; inasmuch as the sales of those lands will not, probably, take place before May next, and those settlers, in the mean time, must leave their homes and firesides, only to seek a residence for a few months. He thought it extremely hard now to remove them after they had been suffered to remain undisturbed before and during the war; whereas, if they were permitted to remain a few months longer, the sales of those lands would, in a great degree, render the measure unnecessary, and greatly limit the unpleasant effects which its execution will certainly produce. He therefore submitted the following resolution:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of extending, by law, to all settlers on the public lands of the United States, who have settled thereon since the 1st day of January, 1808, the same privilege extended to such settlers prior to that day, by the second section of the act of Congress, passed March 3d, 1807.

The resolution was agreed to without debate, by a majority of twenty or thirty votes.

System of Bankruptcy.

Mr. KING, of Massachusetts, offered for consideration the following resolutions:

Resolved, That the situation of the unfortunate merchants and traders, reduced, by misfortunes and circumstances beyond their control, from competence to want, now demand that Congress should exercise the power vested in them by the people, for the relief of the unfortunate debtor, by the establishment of a uniform system of bankruptcy throughout the United States.

Resolved, That the Committee on the Judiciary be instructed to prepare and report a bill to establish a uniform system of bankruptcy throughout the United States.

Mr. K. said, that as a bill on this subject would require much labor in perfecting its details, he thought it would not be worth while to put this burden on any committee, unless the House should show a disposition to adopt the principle. He had, therefore, thrown his motion into an imperative form. The power to establish such a system was expressly given in the constitution, and, being given, Mr. K. contended, was not intended by the framers of the constitution, to lie dormant there, but to be exercised for the benefit of the people.

Mr. TAYLOR, of New York, expressed his views on the subject, which were, substantially, that he was willing, and he presumed there would be no objection to vote for an inquiry into this subject; though he was unwilling,

without investigation, to decide in favor of a general bankrupt law. He thought if the proposition were for an inquiry into the subject merely, that there would be no objection to it.

Mr. KING then withdrew his motion, with a view to accommodate the wishes of gentlemen friendly to the object, and, in lieu thereof, substituted the following :

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of establishing a uniform system of bankruptcy throughout the United States.

This proposition was agreed to without a division.

Commerce with Great Britain—Treaty-making Power.

The House resolved itself into a Committee of the Whole, on the bill to carry into effect the stipulations of the Treaty of Commerce, lately concluded with Great Britain. The first section of the bill having been read—

Mr. FORSYTH (the Chairman of the Committee of Foreign Relations) stated the general object of the bill, and the nature of its provisions. The bill, he said, was intended to carry into effect those parts of the treaty which require legislative interposition ; which he enumerated, and compared the provisions of the bill in this respect, with the provisions of the treaty. He then stated to the House, the present discriminating duties on tonnage and on importation, and showed that the bill went to conform them to the provisions of the treaty, and placed British merchants in that respect on the same footing with ours. He next adverted to the British tariff, and showed the British discriminating duties, and the great advantages which would be derived to the United States by their abolition, in pursuance of the treaty, &c.

Mr. OLAY (Speaker) said he did not rise on this occasion to enter into a discussion of the general merits of the instrument brought incidentally before the House by the present bill, particularly as there appeared to be no wish on any side of the House to enter on that subject. He rose to make some explanations relative to the third article, which perhaps might not be considered unnecessary. It would be perceived, he said, that the third article of the convention, which opens the trade to the British East Indies, restricted us to certain enumerated ports. This was a restriction not contained in the Treaty of 1794, nor in that negotiated by Messrs. Monroe and Pinkney, commonly called the rejected treaty. The reason was, that upon the expiration of the charter of the East India Company, which took place three or four years ago, the question so long agitated in Great Britain had again come up, whether the monopoly of the trade to India should remain with the company, as it had done. On that occasion, it had been thought proper by the British Government to deviate to a certain extent from its former policy, and open the trade to British subjects, generally, under some restrictions. By

the act which then passed, the British subjects were limited to these specified ports ; and it had been thought right by Great Britain, especially as it was in her opinion a grant to us without an equivalent, to limit our citizens to the same ports. That act of Parliament, Mr. O. said, was a new era in the trade of British India ; and it was impossible to estimate the value of the concession to us, without taking into consideration that important change. When the trade was wholly in the hands of the company, they had been found incompetent to supply India with the specie necessary for circulation ; and the trade had been opened to us and other foreign powers, to make up the deficit. Now that British subjects were let into the trade, it remained to be ascertained by experience whether they could not furnish the requisite supply of specie without the aid of foreigners. If they could, the opening of the trade to foreign powers operates as an advantage in their favor, and to the prejudice of the British merchant, to the whole amount of the profits derived by such foreign powers. These suggestions, Mr. O. said, he had thought proper to make to the committee, inasmuch as some gentlemen might not have adverted to the change of the laws by which that trade was regulated.

Mr. GASTON said, that believing the convention, since its ratification in due form, had become a law of the land, and unable to perceive wherein it needed the help of an act of Congress to give it operation, he had viewed the bill before the committee as nugatory and unmeaning. Although he had thought it strange that gentlemen who had abjured so many of the errors of their predecessors, should thus, by construction, retain and perhaps extend a most inconvenient error in regard to the effect of treaties, he was willing, without interruption on his part, to indulge them in their course. But regarding himself as having no agency in relation to this convention, he had not entertained the most remote thought of examining into its merits or demerits. He was induced, however, to say a word in relation to the third article of the convention, in consequence of the observations made on it by the honorable Speaker. This gentleman had stated, with a view to form an estimate of the value of the limited East India Trade therein conceded, as compared with the more general grant on the same subject in the treaty of Mr. Jay, that, subsequent to the date of that treaty, Great Britain had opened this trade to her own subjects, not of the East India Company, and therefore needed not so much the assistance of foreign merchants to bring supplies of bullion. If this formed an item for raising the value of the concession, it was proper to state another fact which would go to the opposite side of the account, and serve to adjust the balance. Since Mr. Jay's Treaty, (he believed in 1797,) the British Parliament had opened this same trade to the subjects of all friendly foreign powers, and to this day without treaty it remained open to them all ; the fact was, that the British East

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Admission of Indiana.

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India possessions were valuable more for revenue than commerce. This revenue required a free importation of bullion from whatever quarter it could be had, and a free exportation of their commodities to foreign countries; it was, besides, desirable that this exportation should be made to distant regions, where they were not likely to come into direct competition with the manufactures of the parent kingdom.

Whether the East India trade was at all desirable to this country, was a question on which enlightened statesmen greatly differed; our table was groaning under the weight of petitions for prohibiting the great mass of importations from that quarter, and there had been a long and loud complaint against the perpetual drain of specie to it. However this might be, it was very certain that the only concession made by the third article was of a trade already open to us by a general law, and which was so desirable to them that they might find it their interest to pay us a bounty not to abandon it. Great Britain and her rulers well understood the spirit of traffic, and we might rely on it they had not in this instance given us a "*quid*" without a "*quo*" in return for it.

Mr. CLAY said, that the gentleman from North Carolina and himself were at issue on the fact. Mr. C. denied that the trade to the British East Indies was open to us by act of Parliament. By the regulations of the local authority of those countries, the trade might be open to us; but the difference between such regulations and the stipulations of a treaty was, that if there were any value in the trade to the British East India possessions, the treaty stipulation prevents us from being deprived of it by a repeal of those regulations during the continuance of the treaty. The benefit of the trade itself was another question; if not beneficial, the treaty did not force it on us. Mr. C. added, that he was not disposed to enter into a discussion of the treaty-making power. It might be sufficient for him to say, that at the worst, according to the opinions of gentlemen on the other side, the act would be harmless; whilst in the opinion of gentlemen on this side, it was entirely necessary.

Mr. GASTON rejoined in a few words, rather in acquiescence in the idea of this bill being harmless. As to the East India trade, he said it was not to be presumed that the trade which the Government of Great Britain held out to every foreign power without an equivalent, could of itself be of any great use. As to the stipulation on this head, in the treaty, supposed to be so favorable to us, Mr. G. said, that Great Britain was not in the habit of giving advantages without equivalents.

Mr. FORSYTH said he had no disposition to enter into the discussion of this question; but it might be necessary that he should say, that the passage of this bill was not merely harmless, but indispensable; because the power of legislation was vested in Congress, and could be exercised by no other authority. This doctrine

was not only correct and constitutional, but had been acted on by all administrations and in all times. The provisions of the treaty being general, it was, independent of the general question of the effect of a treaty on existing laws, necessary to declare in what manner the act should be carried into effect.

The committee having risen, and reported the bill and amendments, an objection was made by Mr. MILNOR to an amendment going to limit the operation in the bill to British vessels coming directly from the British territories in Europe. On this question some debate took place — Mr. FORSYTH contending, though he considered the amendment as of no great importance, that it was according to the letter and spirit of the treaty.

On motion of Mr. MILNOR, the House adjourned without deciding this question.

FRIDAY, January 5.

Admission of Indiana.

Mr. JENNINGS, from the committee appointed on the 28th ultimo, on the petition of the Legislature of the Territory of Indiana, made a detailed report, which was read; when Mr. J. reported a bill to enable the people of the Indiana Territory to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States; which was read twice, and committed to a Committee of the Whole to-morrow.

The report is as follows:

That the said Territory is bounded on the east by the State of Ohio; on the south by the State of Kentucky; on the west by the river Wabash, from its mouth to a point opposite the town of Vincennes, and from thence by a due north line until it intersects a due east and west line which shall touch the southern extreme of Lake Michigan; and on the north by the line last described; that the said Territory is a portion of the Territory northwest of the river Ohio, which by the ordinance for the Government thereof, was ordained to constitute not less than three nor more than five States; that the ordinance aforesaid, whenever the Territory of Indiana shall possess sixty thousand free inhabitants, guarantees to those inhabitants the benefit of being admitted into the Union upon an equal footing with the original States; that the ordinance aforesaid not having declared under what authority the population of the said Territory should be ascertained, to complete their title to an admission into the Union, the Legislature thereof, after having, by actual census, ascertained that the Territory of Indiana possesses a population of upwards of sixty thousand free inhabitants, have deemed it the most prudent and respectful to submit to Congress the result of that census, and ask the passage of a law to enable the people of said Territory to form a constitution and State Government.

Your committee, believing the said Territory to possess a population of sixty thousand free inhabitants, at least, deem it unnecessary to offer any further reasons in support of the expediency of granting the principal prayer of the memorialists; and therefore beg leave to report a bill to enable the

people of the Territory of Indiana to form a constitution and State Government, on conditions not less advantageous and similar to those heretofore granted to other Territories of the United States.

MONDAY, January 8.

Several other members, to wit: from Maryland, WILLIAM PINKNEY; from Virginia, JOHN RANDOLPH; and from Tennessee, WILLIAM G. BLOUNT, appeared, produced their credentials, were qualified, and took their seats.

Commerce with Great Britain.—Treaty-making Power.

The House resumed the consideration of the bill to regulate the commerce of the United States, according to the Convention of Commerce with Great Britain—the question being on the motion of Mr. GASTON to postpone the bill indefinitely.

Mr. FORSYTH said that the motion for an indefinite postponement of the bill, made by the gentleman from North Carolina, (Mr. GASTON,) rested upon the ground that it was not necessary to legislate upon the subject of the convention. Mr. F. presumed that it was not the intention of gentlemen to enter into the investigation of the extent of the treaty-making power, or of the nature of the obligation imposed by a treaty when made. He could not suppose it was intended to rake up the ashes of the dispute on that question in the year 1795. The constitutional principle had been settled so far as it depended upon the Representatives of the people at that period on the first treaty with a foreign Government which had been concluded after the adoption of the constitution. By referring to the journals of the proceedings of Congress, it will be found that the principle established was, "that when a treaty stipulates regulations on any of the subjects submitted by the constitution to the power of Congress, it must depend for its execution, as to such stipulations, on a law or laws to be passed by Congress." The recollection of the gentleman from North Carolina was, therefore, not faithful, when he supposed the doctrine of that day confined the power of Congress, in the execution of treaties, to cases of appropriation only. The rule was general, and applied to all cases, without distinction, over which power was specially given by the constitution to the legislative department. This general rule, since that period, has been uniformly and consistently observed. In the execution of the British Treaty, no law was passed at the period of the memorable dispute already alluded to, but one appropriating money; but the cause might be discovered by referring to the treaty itself. None of its provisions were inconsistent with the existing laws. Subsequently, however, it was found necessary to provide by law for the faithful execution of the 19th article. By this article it was stipulated, that when one party was a belligerent, and the other a neutral power, to prevent injury to the property, &c., of the neutral upon

the ocean, from the improper conduct of the captains and crews of private armed vessels, the owner and master should give bond and security in the sum of fifteen hundred or three thousand pounds, according to the size of the vessel and the number of her crew, to answer for the injuries which might be sustained by such misconduct. When the *quasi* war was authorized against France, the President was empowered to grant commissions to private armed vessels; the stipulation of the treaty was embodied in the act of Congress. The same provision was made in nearly the same words, in the war against Tripoli. The conduct of the Government had been regulated by the same rule in their legislative acts to carry into effect the treaty with Spain. An appropriation law was passed to pay the necessary expenses. This was all that was then deemed necessary. But the 10th article of the treaty intended to provide for the case of vessels of either nation, forced by distress into the ports of the other. The condition of the treaty was dictated both by policy and humanity. It was, that the goods thus forced under the protection of either of the contracting parties should, if landed, be reloaded and carried away, without the payment of the customary duty either on the vessel or cargo. No act was passed until the case actually occurred. Some time during or before the year 1804, the Spanish brigantine Nancy came into Norfolk in distress. In order to give to her owners the benefit of the treaty stipulation, it was deemed necessary to pass an act remitting the duties in that particular instance, and providing that they should not be payable in similar instances in future. The treaty with France in 1801 had been alluded to by the gentleman from North Carolina, (Mr. GASTON.) By referring to the appropriation act, passed in consequence of the ratification of that treaty, it will be found to contain a declaration of the obligation to return vessels captured during the war according to the condition of the convention. Mr. F. presumed that this was supposed a sufficient authority for the delivery of the *Berceau* by the President, in performance of the conditions of the treaty. The statute book was full of examples, but none were more decisive than those founded upon the cession of Louisiana to the United States by France in 1803. Although France ceded it to the United States, and of course governed by their laws, so far as they were applicable to its situation, at that time it was deemed most expedient to pass an act to lay and collect duties on imports and tonnage within the said territory. In this act provision was made to secure to French and Spanish ships the commercial advantages which were promised as one of the conditions of the cession. But this was not all: In the year 1800 an act was passed, allowing drawback of duties on goods exported from the United States to New Orleans, being a foreign port. Although the reason of this act had ceased, and it might have been considered repealed by the transfer

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of this port to the United States, it was supposed necessary to repeal the act by an act of Congress passed in 1803.

Louisiana, too, was admitted into the Union, not by treaty stipulation, but by an act of Congress, in performance of the obligation imposed by it.

Mr. F. said that no difference was made by the constitution between treaties with foreign powers, and treaties made with the Indians within the territorial limits of the United States. The rule had been extended to them. Without enumerating the particular cases, he could refer to an arrangement which had been made with all the Indian tribes with whom we had entered into compacts: that crimes committed by whites upon Indians, within the Indian territory, should be punished in the same manner as if the same offence had been committed upon a citizen of the United States, within the jurisdiction of some district of the United States. This engagement had been complied with, so far as it could be complied with, by the Government. Prosecutions had been instituted against those who had been accused of such offences. Mr. F. did not remember of any punishments; but this was not the fault of the Government. These prosecutions were, however, commenced, not upon the treaty, but upon the law, made in consequence of the treaty engagement. These remarks, Mr. F. trusted, would satisfy the House that the course proposed to be pursued in relation to the late convention with Great Britain, was perfectly in unison with the practice in all former cases, and justified by the rule upon which that practice had been founded. The only difference between the present and former cases was, that in this case the convention stipulates advantages to British vessels, which cannot be enjoyed without an alteration of the system of revenue, and repeal of existing laws. Some gentlemen had imagined that the law of the last session, on the subject of discriminating duties, contained all the necessary provisions to meet this contract between the two countries. This was a mistaken opinion. The law of the last session repealed our discriminating duties on tonnage, &c., of foreign vessels, and on goods imported in foreign vessels, upon a condition which has not happened, that is, that an abolition of *all* the discriminating duties, so far as they were injurious to the commerce of the United States, should have taken place in that foreign nation to which the vessels and goods should belong. The treaty between this country and Great Britain stipulates an abolition of discriminating duties *only* in the ports of His Britannic Majesty's European dominions. Mr. F. said it was somewhat extraordinary that it should be doubted in this country whether the House of Representatives were authorized to act upon a subject which, in England, would have required the interposition of the House of Commons. He did not intend to draw any argument from the resemblance of the two Governments; the Executive power, including its

authority to make treaties, was more limited than in Great Britain. Yet in Great Britain this very treaty will require an act of Parliament before it can be carried completely into effect; an act which some of us will live long enough to see. This was the ordinary course in that country. At some of the most remarkable periods in British history, instances had occurred. A commercial treaty was negotiated between France and England, after the peace of Utrecht; it was not carried into effect, because the House of Commons rejected the bill introduced by the Ministry to alter the commercial and revenue laws according to the compact between the two nations. In the year 1786, a treaty of commerce between those nations was carried into effect by an act of Parliament, framed according to its stipulations. Mr. F. said, that the Order in Council of the 17th August, 1815, which he had taken occasion to read to the House a day or two before, was founded upon an act of Parliament, passed, as he had understood, for the express purpose of enabling the Prince Regent to conform the existing regulations of commerce to the treaty which might be made by the Ministers of the United States and Great Britain, and in the discussion of the principles of which they were then engaged. The Order in Council, like the act upon which it was founded, was to continue in force until six weeks after the next session of Parliament. Within these six weeks after the meeting of Parliament, the necessary provision will, no doubt, be made by the competent authority in the ordinary mode.

Mr. BARBOUR said, the bill now before the House proposed to regulate the commerce between the United States and Great Britain, according to the convention concluded on 3d July, 1815; a motion had been made for its indefinite postponement; and the reason assigned for that motion was, that the convention itself was conclusive upon the subject, without the aid of any legislative act.

The question, then, said he, which this motion presents, is, whether legislation upon the subject, be or be not an act of supererogation; it will be my endeavor to prove that it is not; in other words, I shall attempt to maintain this proposition, that whenever a treaty operates upon a subject, which, like the present, is amongst the enumerated powers of legislation, delegated by the constitution to Congress—that in such case, the assent and co-operation of Congress are necessary to give effect to such treaty, by the passage of a law in compliance with its stipulations.

The correctness of this proposition depends upon the proper construction of the Constitution of the United States, in relation to the legislative and treaty-making powers. It is from this source mainly, that both the opposers and the advocates of this bill attempt to derive support.

If I understand the argument of its opposers, it amounts in substance to this—the constitu-

tion, they say, gives to the President and Senate the right of making treaties, provided two-thirds of the Senators present concur; and it declares, that treaties when thus made shall be the supreme law of the land. Now, this treaty has been ratified in the mode prescribed; it is, therefore, the supreme law of the land, and what is already the supreme law, can derive no additional validity from any other law.

But, sir, in what does this supremacy consist? Is it in a superiority over the Constitution and laws of the United States? The constitution itself answers to this question, that it is not; for it will be seen that the same clause which declares treaties the supreme law of the land, associates with them the Constitution and laws of the United States; it throws the three into one class, and declares that the whole class, to wit: the Constitution of the United States, the laws of the United States, and treaties made under their authority, shall be the supreme law of the land—supreme over what? The next paragraph answers the question, by declaring, that the judges of every State shall be bound thereby, any thing in the constitution or law of any State to the contrary, notwithstanding. It is obvious, that the supremacy is a term of relation to the States; the United States, and its constitution, laws, and treaties, are put in competition with the States and their constitutions and laws; and as it respects the latter, the former are declared to be supreme; but there is no graduation of superiority between the constitution, laws, and treaties of the United States as amongst themselves. This doctrine of supremacy, then, has no influence upon the present question.

But gentlemen who oppose the bill, contend, that the power of making treaties is given in general terms; there is no exception of the subject-matter of this treaty, therefore it is included; and consequently, that the treaty-making power is competent, of itself, to give complete effect to treaty stipulations upon the subject of commerce, without legislative aid.

If there were no other part of the constitution which had a bearing upon this question, there would be more solidity in the argument; but there are other important provisions of the constitution, which have direct relation to the question; and it is indispensable to a just construction of that instrument, that they be taken together. Sir, this is the universal rule for the construction of all instruments, that, to arrive at a just interpretation of their meaning, you must not take isolated parts, but the whole instrument together.

The propriety of this rule of construction, so reasonable in itself, will be proven, I think, beyond question, by the comparison which I am about to make between that part of the constitution which confers the treaty-making power, and those parts of the same instrument which relate to the legislative power; from this comparison, it seems to me necessarily to result—that the grant of legislative power, *quo*

ad the subject granted, must operate some limitation, some check upon the treaty-making power; or otherwise, the partition between the different branches of the Government will be broken down; the whole character of the Government will be essentially changed; and the treaty-making power, like Aaron's serpent, will swallow up the rest. Having made these general remarks, in relation to the limitations and checks upon the treaty-making power, I will now beg leave to apply them to the immediate bill before us.

The constitution declares, that all legislative power herein granted shall be vested in Congress; but Congress have heretofore passed laws regulating the commerce between the United States and Great Britain. The treaty stipulates an alteration, a repeal of those regulations; now, if the treaty be construed to be conclusive upon the subject, without any act on the part of Congress, must it not be seen, that here is at once legislative power exercised by a branch of the Government other than Congress? This proposition cannot be denied, unless it be contended that the repeal of a law is not an act of legislation; I apprehend it cannot be necessary to prove this proposition. But let us apply this doctrine more closely to the question before us. The constitution, after depositing with Congress the legislative power therein granted, proceeds to define that power; among other parts of the enumeration is this; "Congress shall have power to regulate commerce with foreign nations." Now, sir, this bill, both in its provisions and its title, professes to regulate, and does regulate the commerce between the United States and Great Britain. Here, then, is a power expressly given to Congress; and yet, according to the doctrine now contended for, it may be exercised by the President and two-thirds of the Senators who may be present, without the aid of Congress. Mark the difference. Congress is composed of a Senate and House of Representatives; the treaty-making power of the President and two-thirds of the Senators present; take from Congress the regulation of commerce and give it to the treaty-making power, and you entirely exclude from that important power all that branch of the Government which represents the people directly. Can this construction be correct? If it be, it must be upon the principle, that one part of the constitution alone is to be consulted, whilst other parts of the same instrument are to be disregarded; for, take them together, and if there be any meaning in words, it is that as to commerce, Congress shall have power to regulate it; which cannot be, if another branch of Government have power to change that regulation, without consulting or needing the co-operation of that body.

See, sir, to what consequences this doctrine will lead; if the treaty-making power may regulate commerce without the sanction of Congress, then the same power may declare war without the sanction of Congress; because the

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very same constitution which gives Congress the one power gives them the other; and if they may be deprived of one, by parity of reason, they may be deprived of the other. And yet, sir, I believe no gentleman has met this part of the argument by affirming that the nation can be involved in war by treaty; they have seen that such a doctrine would carry them too far; that it would go to the extent of justifying a treaty of alliance offensive and defensive, which might involve us in all the calamities of war, by entangling us in European contests; when it is distinctly understood to have been the intention of the constitution, that this nation should never be involved in war, but by the voice of the immediate Representatives of the people: this is the great, the safe guarantee, that war will never be undertaken but for some great national object, when, and when only, the people will go with their Representatives. But this doctrine, if true, does not stop here; it goes further; it will justify a treaty stipulation to supply a subsidy, and will thus violate that part of the constitution which declares that no money shall be drawn from the Treasury, but by an appropriation made by law. Sir, it goes one step further yet; it would justify the subsidy of which I have just spoken, without limitation as to time, though the constitution expressly declares, that even Congress shall not make an appropriation for the support of armies for more than two years.

Now, sir, the criterion by which to test a position is, to trace it to its consequences; if it leads directly to such, as even its author cannot defend, there is no principle in logic clearer than that such a position, though it may be specious, is not solid. I am persuaded that no member will go the length of maintaining the position, which I have been examining, in the consequences to which I have pursued it; by this rule, then, they must give up the position itself.

It seems to me to be shown, then, that although the grant of the treaty-making power is in words not limited in themselves, yet, a just construction of the constitution affixes to it these two kinds of limitation: first, that nothing can be done by treaty, which the constitution declares shall not be done; secondly, that whenever the subject of a treaty is one of the powers delegated to Congress, that then the assent and co-operation of Congress are necessary to give it effect, by passing a law in conformity with its stipulations. And this, sir, is the doctrine for which I contend, whilst as a member of the House of Representatives I disclaim all participation in the negotiating and making a treaty.

The member from Georgia has shown, by a minute research into the practice of the Government, that it accords with the construction for which I have contended; I rely upon this, as a strong additional proof of the propriety of that construction.

A reference has been made in the course of

the argument to the practice under the British constitution. I know, sir, that this constitution is in itself but a succession of precedents; I know that there are many predominant differences between the British and American constitutions; but there are also some points of analogy: and perhaps few stronger than that in the treaty-making power; in each country, it is confided to the Chief Executive Magistrate, with this difference, that in the United States the Senate are associated with the President. Notwithstanding, however, the treaty-making power in Great Britain resides in the King, yet it appears from the various instances, cited by the member from Georgia, to which I will add the Treaty of Peace of 1783, between that country and the United States, that even in Great Britain, the treaty-making power is so far limited as to make it necessary to lay treaties before Parliament, and to ask their aid in making appropriations for carrying them into execution; but if this results in Great Britain, from the power which the House of Commons, without any written constitution, have claimed and established, of holding the purse of the nation, the argument certainly applies with increased force here, where, by the express provision of a written constitution, the subject upon which this treaty operates is amongst the powers delegated to Congress.

Mr. GOLD commenced with congratulating the House upon the favorable auspices under which the highly important constitutional question, involved in the passage of the bill under consideration, was presented for determination. The angry passions of war had subsided; party feelings in a great degree hushed to silence, and the public mind in a state of tranquillity, propitious to fair inquiry. He added, the question is not embarrassed with any difficulty or diversity of opinion on the point, whether the treaty is to be carried into effect, for as to that all concurred, and hence, the mere principle, under the constitution, is presented to the judgment of the House. But, although the treaty in question is not to be affected by this determination, a more important question, in its effect upon the foreign relations of the United States, upon the peace of the country, upon the character of the Government, has hardly arisen under the constitution. Mr. G. asked, what is the object of the bill? what the evil to be remedied? A mere direction to the custom-house to conform the impost on British tonnage to the rate on American vessels and cargoes. Such is the object, an object which may be attained by the provision of a single paragraph of three lines; and yet, sir, what is the form of the bill before the House for this purpose? It contains all the provisions of the treaty, embodied in the form of an act of Congress. Is it possible to mistake the object of the bill in this form, a form so much broader than the professed end to be attained, than the evil to be remedied? Is it not seen that the bill submits to the House the whole terms, the entire

merits of the treaty, and necessarily imposes on the House a consideration of the whole scope and merits of the instrument, the whole field of the negotiation, in the same manner as if it were a common subject of legislation? For this it is confidently submitted, that no precedent will be found either in the memorable treaty with the same nation, negotiated by Mr. Jay, or in any other act in the history of the Government. If an appropriation be required to carry into effect a treaty; if a direction to the custom-house be intended, why not give it, and there stay your hand? Do not embody the treaty in an act of Congress for a solemn precedent, bearing to the world the conclusion that it is not the treaty, but an act of Congress, that creates the law with foreign nations, and fixes the measure of obedience. It cannot be mistaken, he repeated, that the bill, in the form adopted, submits to this House, for its judgment, the merits of the treaty; to approve or disapprove, to give or withhold assent, upon the exercise of legislative discretion, as on ordinary acts of Congress, to the treaty's going into effect. Certainly, the authors of this bill do not present it to Congress, sitting as a Parliament of Paris, to act an humble ministerial part, to become a mere instrument of registry. No, sir, such an appeal would degrade the body, would destroy its attributes, and reduce it from the elevated station assigned it by the constitution. The positions of the honorable member from Georgia, (Mr. FOSYTH,) who reported and here defends the bill, the authorities he cites in his support, all go to show that the treaty is submitted, by the bill, to the discretion of Congress. That honorable gentleman cites, for authority, examples in the British Parliament, of treaties being defeated, by the refusal of the Commons to concur in the requisite acts to carry them into effect, founded on the ground of disapprobation of the merits of the treaty. Mr. G. added, that he deprecated the influence of such examples upon the proceedings of a Government founded on a written constitution, of distinct departments and divided powers, and he should be wanting to his duty, if he did not enter his solemn protest against the doctrine thus pressed upon the House. For what, sir, is to be the consequence, but a submission of the treaty-making power, and uprooting the first principles of the constitution? The measure may not, from the uninteresting provisions of the treaty and general acquiescence, produce immediate evil, and for that cause does not awaken alarm; but the precedent, in other times and under different circumstances, cannot fail to produce consequences most pernicious to the peace and welfare of the United States. Who does not discern the signs of the times? who is so indifferent to what is passing before his eyes, as not to see which are the weaker departments of the Government, and from which encroachments are to be apprehended?

"Treaties shall be the supreme law of the

land," is the language of the constitution. This language is strong and emphatic; and how it is to be satisfied by the construction or rule of the advocates of the bill, has not been shown. On the very face of this measure, we perceive that the treaty can only become a law when united and combined with an act of Congress.

It has been denied, that the constitution makes a treaty, standing disjunctively and alone, the law of the land, because the sentence includes with treaties the constitution and acts of Congress. The terms are, "this constitution, and the laws of the United States, which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land;" adding, what resulted necessarily from the provision, that State judges should be bound thereby. This provision presents three distinct and independent sources of law—the constitution, acts of Congress, and treaties—each standing on its own constitutional ground, single and alone, unaided by the other; a treaty requiring no more the aid of an act of Congress to its validity, than an act of Congress does that of a treaty. If in any case, certainly not the present, an act of Congress be required in execution of a treaty, not to its validity, the duty is imperative on Congress as much as it is the duty of the Judiciary department to hear and give judgment on an act, and of the Executive to cause the sentence to be executed.

Mr. HOPKINSON said: The question now before the House is, "Shall this bill be indefinitely postponed?" and I would presume, that if it can be shown that it is utterly unnecessary and useless; that it can produce no sensible effect; that, when passed, it will leave its subject-matter precisely as it found it, there is reason enough shown why it should not be passed. It is surely unbecoming the wisdom and dignity of this body to be gravely enacting nugatory laws; or, as some of the gentlemen have termed this, *harmless* law. The enactment of a law can never be without consequences, for if the law itself means nothing and does nothing as a law, it must injure the reputation of the body enacting it. This brings me then directly to the question, do the gentlemen who insist upon this bill believe that it is, in any manner, necessary to the validity of the convention to which it refers? Does that convention require such a law to give it force and effect? Are we to put the finishing hand to it, without which it is a dead letter? It asks no appropriation of money; it requires no collateral or extrinsic act to be done to enable it to live, and move, and execute its functions. If it be the supreme law of the land, it does of itself all that is necessary for its full consummation; and if it be not the law of the land, what is it? It is *any thing* it is *every thing*. This treaty has been made, ratified, and exchanged by the President and Senate, in the manner directed by the constitution. Are gentlemen willing to say, that, notwithstanding

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this, it still requires our concurrence or confirmation to give it life and validity. Is it no longer a treaty if we shall refuse our concurrence?—for it is manifest that if our refusal will not destroy it, our concurrence cannot help it. It is one indivisible act, and its consequences are equally indivisible. I have an insuperable objection to following gentlemen in the discussion of points not necessary to the full understanding and fair decision of the matter before us, and which necessarily lead us into heated controversies and angry questions. When the aid of this House, by money or otherwise, is called for, in order to carry into execution the provisions, or some of them, of a treaty, which it shall think injurious to the important interests of the country, and it shall be put to us to say, whether we will grant the required assistance, or meet the consequences of a refusal, the House will doubtless take its course with that sound discretion and deliberate judgment which the high, the awful responsibility of the act will demand. They will endeavor to reconcile their constitutional obligations with the safety and interests of the State. A case of this appalling shape and magnitude may be trusted, and must be trusted with the consciences of those who may be called upon to decide it. Happily, such is not the case we are now acting upon. I, therefore, confidently bring back the question to the gentlemen, and wait their answer, how and in what manner and degree this convention is to be affected by the adoption or rejection of this bill? What influence will it have upon the validity of a contract thus made and concluded, ratified, and exchanged? That the subject-matter of the treaty is within the treaty-making power, can scarcely be denied. Nothing is affected by it but the rate of duties to be paid by the respective parties in their respective ports—as fair and usual a subject of national contracts, or treaties, as can be imagined. If the President and Senate have not power to make treaties of this kind, their power is a mockery; a name without a substance; an authority with nothing upon which it can ever act or be exercised. It is contended by the gentleman from Georgia, that a treaty which affects existing laws upon a subject within the peculiar power of Congress, cannot be carried into operation without the concurrent act of this House; and therefore, that inasmuch as the imposing or removing of duties is given by the constitution expressly to Congress, a treaty cannot change a law regulating duties without the aid or concurrence of Congress in its ordinary mode of legislation. But this proposition is doubtless much too broad, and most general propositions are. What is more clearly, decidedly, and exclusively in the power of Congress than the right of declaring war? This must be done by a law of Congress, and can be done in no other way. Yet this law of Congress, made on a subject thus within its exclusive power, may be repealed, and has been repealed, by a Treaty of

Peace made by the President and Senate, in the manner prescribed by the constitution, without any reference to the will or pleasure of this House, any dependence on its authority, or any concurrence of its laws. The treaty is duly made and ratified—peace follows—the war is terminated—the act of Congress declaring war, and all other acts in relation to it repealed, without the least interference of this House, or its opinion upon the subject being even asked or attended to. A treaty must be considered, as it really is, a compact or bargain between two parties, which, once made and concluded in the manner both have agreed to be binding, is no longer in the power of either. If, therefore, this convention has received its ratification in the manner and by the authority prescribed by our constitution or form of Government, it is at this moment a valid and binding bargain between the two nations, and no longer rightfully in the power of either. If this convention has not been so ratified; that is, if it has not been done in the proper manner and by the proper authority, it is neither a treaty nor a contract, nor any thing else; and yet we find the President has exchanged it with the other power, as a thing done and ratified in due form and with competent authority; and we find he has proclaimed it to the American people and to the world, as a treaty made and ratified, and as the law of the land to be hereafter observed and obeyed.

The question on postponement was decided in the negative—yeas 60, nays 81.

The question then having been stated, "Shall the bill be engrossed for a third reading?"

Mr. GASTON remarked, that, perceiving the general wish to come to a conclusion, on this bill, he had abstained from answering many remarks which had been made in opposition to his motion for indefinite postponement. But as the controversy was revived on the question for engrossing the bill, he would avail himself of the opportunity to rescue his opinions from misconception, and defend them against the most important of the arguments by which they had been assailed. In ascribing to the convention the power of repealing so much of the acts of Congress on the subject of discriminating duties as was opposed to its provisions, he was supposed by gentlemen to contend for a supremacy of the power to make treaties over the power to enact laws. Some seem even to have imagined that he exalted this power of framing treaties over the constitution itself. His opinions were founded on no such erroneous principle. He regarded acts of Congress formed on subjects within the jurisdiction of Congress, and treaties formed on subjects proper for treaties, as being equally laws of the nation, and he claimed for neither a superiority over the other. The constitution vests all the legislative powers which it grants, in one organ of the national will, the Congress of the United States. It vests the whole of the power of making treaties in another organ of the national will, the Presi-

dent acting with the concurrence of two-thirds of the Senate of the United States. It defines what are the legislative powers granted, because such a definition was necessary to distinguish between those delegated to the General Government, and such as were retained by the States. It does not limit the power of making treaties, because no part of this power was to be retained by the States. The entire power, therefore, on the subject of treaties, which sovereign States, according to the usages and laws of nations, may exercise, unless where it is restricted by specific prohibitions in the constitution, is vested under this general grant in the proper depository. The constitution then imparts to proper acts of the legislative authority, and also of the treaty-making power, the character and attributes of "laws," that is, of rules of action prescribed by the sovereign power. They both derive their efficacy from being constitutional expressions of the will of the nation; and where there are two expressions of that will, which cannot stand together, the last necessarily abrogates the first. A law may repeal a treaty. This was done in the case of the Treaty of 1778, with France, distinctly repealed by an act of Congress. And a treaty for the same reason may also repeal a precedent act of Congress, as must be admitted to be the case of the treaties of peace with Great Britain and the Regency of Algiers, repealing the acts declaring war against those nations.

The idea that, because the legislative power granted to Congress is restricted to certain subjects, therefore the power to make treaties cannot operate on these subjects without legislative aid, seemed to him neither sound logic, nor a construction permitting the treaty power to have any useful effect. Neither a treaty of peace, of alliance, or of commerce, can well be made without affecting some of these subjects. The first usually contains stipulations in regard to captures made or to be made, and indemnities for wrongs suffered. The last must apply directly to the right of regulating commerce with foreign nations; and treaties of alliance specify the aids of men and money to be afforded in the cases prescribed. The power, therefore, to make treaties, which the constitution confides exclusively to the President, concurring with two-thirds of the Senate, is essentially annulled by a construction that requires a legislative assent, wherever these treaties operate upon subjects which are the usual well known and legitimate subjects of treaty. For certainly the discretionary power of assenting to or dissenting from any instrument, and thereby giving or refusing its efficacy, is essentially the power to make it. And if this construction obtain, treaties may be said to be prepared by the President and Senate, but they can be made only by Congress.

Mr. THROOP said that he did not rise for the purpose of entering into a detailed argument on the question submitted to the House, but merely to state the reasons for the vote he should give;

this he deemed due to his friends in this House, because he found himself opposed to the opinions of a majority of them. He should vote against the bill because he thought it unnecessary to pass such a law. The act in question did nothing more than put into the form of a law the several provisions of the treaty regulating the commerce between the two countries, which were of themselves the supreme law of the land. These provisions did not require a construction, nor any aid by law to carry them into execution. If the object was merely to instruct the revenue officers, he would prefer its being done by the President, or the Secretary of the Treasury, whose duty he conceived it to be, and whose competency could not be doubted. He did not know that the passage of this law, following the provisions of the treaty, would do any great mischief, but he was opposed to the principles on which it was attempted to be supported, and feared that it would at some future period form a dangerous precedent. The treaty-making power was lodged by the constitution in the President and Senate, and their act became obligatory on the nation, without the interference of this House, by that section of the constitution, which declares that "this constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." An argument has been attempted to be drawn from the fact that the constitution, laws, and treaties, are classed together in the same sentence, and are all declared to be the law of the land. He said he did not know that he understood what the conclusion was; but if it was as he apprehended it to be, that, being all classed together, and in one sentence declared to be the supreme law, that then a treaty was of no greater force than a law, he did conceive that the same argument would prove that the constitution was not paramount to a law, and if that construction prevailed, Congress might by law repeal the constitution. But grant that the treaty had no greater efficacy than a law, and could repeal and be repealed by a law, then the act under consideration was unnecessary, as the treaty, being subsequent to the law creating discriminating duties, repealed that law; and when a new tariff of duties was created, it might be made to conform to the treaty. But it is said the treaty is a compact; hence, it is no law to be observed by the people, but only a direction to Congress to pass a law. He said, because it is a compact, it is superior to the law. An individual may prescribe to himself a rule of conduct, by which he will be governed, but he may depart from that rule whenever he pleases; it is a law to himself, and the power which enacts may repeal. But if he stipulates with another a rule of conduct to be observed by himself, it is a compact, and he cannot depart from it without a violation of his plighted faith, and the rights of that other. This is the distinction between a treaty and a law, and which renders a treaty

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paramount to the law; the law prescribes a rule of conduct to the citizens of the State, by which they are to be governed, and may be repealed at any time; but a treaty is a compact between two sovereign States, which cannot be departed from by one without violating the faith of that State, and the rights of the other. He said, that an answer to the argument that the treaty is only a direction to Congress to pass a law, was to be found in the concluding part of the same section of the constitution, which, after stating that treaties, &c., shall be the supreme law of the land, adds: "and the judges in each State shall be bound thereby." Here was a direction not to Congress, but to the courts of law, to construe and enforce the treaty, which they were bound to do without reference to any construction which might be put upon it by an act of this body. He trusted he should not be told that this direction was to the judges of the State courts, and not to the judiciary of the United States, and that a treaty might be enforced in the State courts, but would require a law to enforce it in the courts of the United States. For, according to that construction, it might produce this absurdity, that the treaty would operate upon the States individually, and Congress might refuse to pass a law whereby it could not be treated as a law by the United States courts.

The yeas and nays having been required by Mr. ROOR, on motion, the subject was further postponed until to-morrow.

Bank of the United States.

Mr. CALHOUN, from the committee on that part of the President's Message which relates to a uniform National Currency, reported a bill to incorporate the subscribers to the Bank of the United States; which was read twice and committed to a Committee of the Whole on Monday next.

The first section of the bill is as follows:

That a Bank of the United States of America shall be established, with a capital of thirty-five millions of dollars, divided into three hundred and fifty thousand shares, of one hundred dollars each share; but Congress may, at any time hereafter, augment the capital of the said bank, to a sum not exceeding fifty millions of dollars, in such manner as shall be by law provided. Seventy thousand shares, amounting to the sum of seven millions of dollars, part of the capital of the said bank, shall be subscribed, and paid for by the United States, in the manner hereinafter specified; and two hundred and eighty thousand shares, amounting to the sum of twenty-eight millions of dollars, shall be subscribed and paid for, by individuals, companies, or corporations, in the manner hereinafter specified.

Ordered, That the Committee of Ways and Means be discharged from a further consideration of the several petitions referred to them, which relate to the subjects embraced in the last-mentioned report.

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The House, according to the order of the day,

resumed the consideration of the bill for carrying into effect the Convention of Commerce between the United States and Great Britain—the question being on ordering the bill to be engrossed for a third reading.

Mr. GHOLSON said that being a member of the committee who had reported the bill then before the House, he had considered it especially his duty to give it the most thorough investigation. He regretted that, owing to his personal indisposition, it had been out of his power to bestow on the subject that attention which its importance most undoubtedly merited. He, however, had listened patiently to the arguments which had been offered by gentlemen on the other side of the House, in opposition to the bill. These arguments had produced no conviction to his mind. So far from it, (said Mr. G.) I am fully satisfied that if the doctrines which have been contended for by gentlemen of distinction and eminent abilities, in opposition, were reduced to practice, then indeed would the great and essential powers of the Government be transferred exclusively to the President and Senate, and this House would become almost a cypher—but little more than a mere tribunal of registry.

Two of the chief and principal objects of the federal compact were, the provision of an adequate national revenue, and the regulation of commerce with foreign nations. Jurisdiction over both these subjects is given by the constitution, in clear and explicit terms, to the Congress of the United States. The constitution expressly grants to Congress the power "to lay and collect taxes, duties, imposts, and excises;" and, moreover, "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

But if the affairs of revenue from imposts, and of commerce, can be finally and conclusively arranged by the treaty-making authority, without the aid of legislation, it is perfectly obvious, that the grants of power just recited can be nullified and extinguished at the mere pleasure of the President and Senate, who alone exercise the treaty-making authority; that powers which are bestowed on them and on this House conjointly, can be exercised by them exclusively.

Now, sir, to prove that the treaty, to effectuate which the present bill is proposed, does, in fact, take cognizance both of the subject of taxation and of commerce, it is only necessary to look at the treaty itself. The treaty, in almost its whole aim and purport, relates to these subjects. It not only regulates our commerce with a foreign nation, but expressly undertakes to repeal a tax. By the existing law, British ships pay higher duties in our ports than American ships. The treaty provides, that in certain cases, embracing the principal trade between the two countries, British ships shall pay no higher duties than American. Thus the law of the land, providing for a public revenue, is so far attempted to be revoked by the treaty in question.

If, then, the self-sufficiency of this treaty, for

its own execution, without the agency of legislative provisions, can, according to the argument of the gentlemen from Pennsylvania and Massachusetts, (Messrs. HOPKINSON and PICKERING,) be maintained, it must be upon the ground that the treaty-making power can either repeal a tax or regulate foreign commerce, independently of this House.

Mr. CALHOUN observed that the votes on this bill had been ordered to be recorded; and that the House would see, in his peculiar situation, a sufficient apology for his offering his reasons for the rejection of the bill. He had no disposition to speak on this bill, as he felt contented to let it take that course which, in the opinion of the majority, it ought, until the members were called on by the order of the House to record their votes.

The question presented for consideration is perfectly simple, and easily understood—Is this bill necessary to give validity to the late treaty with Great Britain? It appeared to him that this question is susceptible of a decision, without considering whether a treaty can in any case set aside a law; or, to be more particular, whether the treaty which this bill proposes to carry into effect does repeal the discriminating duties. The House will remember that a law was passed at the close of the last session conditionally repealing those duties. That act proposed to repeal them in relation to any nation which would on its part agree to repeal similar duties as to this country. On the contingency happening the law became positive. It has happened, and has been announced to the country that England has agreed to repeal. The President, in proclaiming the treaty, has notified the fact to the House and country. Why then propose to do that by this bill which has already been done by a previous act? He knew it had been said in conversation that the provisions of the act were not as broad as the treaty. It did not strike him so. They appeared to him to be commensurate. He would also reason from the appearance of this House that they were not very deeply impressed with the necessity of this bill. He never, on any important occasion, saw it so indifferent. Whence could this arise? From the want of importance? If, indeed, the existence of the treaty depended on the passage of this bill, nothing scarcely could be more interesting. It would be calculated to excite strong feelings. We all know how the country was agitated when Jay's Treaty was before this House. The question was on an appropriation to carry it into effect—a power acknowledged by all to belong to the House—and on the exercise of which the existence of the treaty was felt to depend. The feelings manifested corresponded with this conviction. Not so on this occasion. Further: the treaty has already assumed the form of law. It is so proclaimed to the community; the words of the proclamation are not material; it speaks for itself; and if it means any thing, it announces the treaty as a rule of public conduct, as a law exacting the obedience of the people. Were he of

the opposite side, if he indeed believed this treaty to be a dead letter until it had received the sanction of Congress, he would lay the bill on the table and move an inquiry into the fact why the treaty has been proclaimed as a law before it had received the proper sanction. It is true, the Executive has transmitted a copy of the treaty to the House; but has he sent the negotiation? Has he given any light to judge why it should receive the sanction of this body? Do gentlemen mean to say that information is not needed; that though we have the right to pass laws to give validity to treaties, yet we are bound by a moral obligation to pass such laws? To talk of the right of this House to sanction treaties, and at the same time to assert that it is under a moral obligation not to withhold that sanction, is a solecism. No sound mind that understands the terms can possibly assent to it. He would caution the House, while it was extending its powers to cases which he believed did not belong to it, to take care lest it should lose its substantial and undoubted power. He would put it on its guard against the dangerous doctrine that it can in any case become a mere registering body. Another fact in regard to this treaty. It does not stipulate that a law should pass to repeal the duties proposed to be repealed by this bill, which would be its proper form, if in the opinion of the negotiators a law was necessary; but it stipulates in positive terms for their repeal without consulting or regarding us.

Mr. RANDOLPH said, when he took his seat yesterday, or rather before he was qualified to take his seat, he had considered the bill then and now under discussion as one of perhaps as trivial a nature as ever engaged the attention of this House, or of any legislative body. But, of this bill, it might be said, *vires acquirit eundo*; and of this perhaps he was about to afford the House some proof, by adding his little rill to swell the torrent of debate to which this bill had given rise. Certainly—and he knew with what suspicion such declarations were generally received, but he spoke it *bona fide*—he had no intention to utter one word on the subject until he heard doctrines against which he felt himself bound to enter his solemn protest. He might say of this bill, as of some disease, the danger was in the mode of treatment, in the doctor, and not in the disease. He hoped the gentleman from South Carolina would pardon him when he had heard doctrines from him this day, against which he felt it his solemn and bounden duty to enter his protest. There was nothing in this, he knew, to alarm the gentleman, for it was the protest of a feeble isolated individual, but of an individual who would discharge his duty off this floor and on this floor, with the same zeal and perseverance as if he commanded a majority of the House at his back. If he understood the gentleman, Mr. R. said, he had declared that a treaty, being of the nature of a compact, touching the interests of other nations than our own, it therefore followed, that the treaty-making power, so long as it

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confined itself to its own sphere, that of contract; so long as it received equivalents for what it gave, whether real or nominal, according to the gentleman's doctrine no matter—they are not to be crippled up, not to be examined; that inasmuch as the interest of two nations instead of one, were concerned in all treaties; therefore the treaty-making power is paramount to the legislative power—did he or did he not understand the gentleman? It was impossible to misunderstand him; for, Mr. R. said, he had stated his positions with a precision and clearness which left no room for doubt—yes, that treaties, being paramount, of course repealed the law of the land, so far as the law of the land came into collision with any article of a treaty which was confined to the legitimate objects of a treaty, viz: to contracts with another nation. But the honorable gentleman from South Carolina had, with peculiar infelicity of illustration, drawn examples from despotic Governments. Would a treaty made by a Sultan of Constantinople or an Emperor of France go to repeal a law of the Turkish or French empire? Certainly it would. For what are the laws of a despotic monarchy but the breath of the sovereign, call him what you will? And was that an analogy on which to found a construction of our constitution, on which the gentleman had bestowed so high but not undeserved an eulogium? No; it was because a treaty made by a despotic power will repeal the law of the land there, that a treaty made by Presidential authority will not repeal the law of the land here. To come to the gentleman's *experimentum crucis*, and try the strength of his argument, that a treaty is paramount to the law of the land. Suppose the Treaty of Peace had contained a provision for ceding away a part or the whole of South Carolina, as an equivalent for Jamaica, for territory in India, or for Ireland. Would the gentleman consider such a stipulation, although in the nature of a contract, as amounting to a law of the land? But, perhaps, he said, he should be told that that which is paramount to the law of the land, is not paramount to the constitution, and that the constitution prohibits the cession of a State or part of a State to a foreign power. It was unquestionably true, whatever might be his opinion, that such is not the universal opinion; although it might perhaps be proved by the event, that as the United States had heretofore acquired territory by treaty, we have also parted with territory by treaty—as in the instance of Moose Island, and it may be, in the instance of the new boundary line to be run between us and Canada, that it may be so run as to take off part of the territory which was a part of the United States—yes, a part of the good old thirteen United States.

Mr. R. said he did not mean to enter into the comparison between the constitution of Great Britain and that of the United States, considering it irrelevant. Mr. R. agreed that our constitution was to be found in the charter, and in

the practice under the constitution, whether legislative or judicial, provided the precedents are taken from good constitutional times—for he would never take precedents under any administration during times of great turbulence or excitement, when the best of us are under temptations, to which most of us yield, of carrying our passions and prejudices into public life. With all due submission to the gentleman from South Carolina, and to this House, Mr. R. said he did declare that the President and Senate did not and never had possessed the power, by any contract with a foreign power, of repealing any law of the land, or enacting any law in its stead. This, he said, was his opinion of this great constitutional question; he had expressed it in this hasty way, under the excitement of the abhorrence—he hoped the gentleman would pardon him; it had nothing personal in it—of the abhorrence he felt at the doctrine which the gentleman had uttered on this floor—a doctrine which there was a time when it would have been called highly federal doctrine; and certainly not the less objectionable to Mr. R. on that account, either at that time or this—the doctrine that, so long as they could find another power to contract with, the President and Senate might exercise a power paramount to all law, though not to the constitution. This was too dangerous a power to be given to the President and Senate under such a sweeping clause. If this bill had passed through this House *sub silentio*, if it had been carried or rejected, he should never have thought much of it; for it would never have assumed to him that aspect, which it had done since this morning—since the gentleman had asserted, that so long as they confined themselves to the legitimate sphere of contract, the President and Senate might exercise a power superior to all law whatever.

Mr. KING, of Massachusetts, spoke as follows:

Mr. Speaker, as the vote which I shall give upon this bill, will differ from those which will be given by those friends with whom I have the pleasure generally to act, I owe it to them and to myself to explain, as briefly as possible, the reasons of that vote, leaving the general argument to others more able and willing to discuss it. When this subject was first started in the House; when this bill was first introduced, and it was observed by many gentlemen that no bill was necessary, that the convention was already the law of the land, without much reflection I inclined to that opinion; concluding that what was already the law of the land, could not, by any act of ours, be more the law of the land. But, sir, when in the course of debate, I heard my honorable friend from North Carolina (Mr. GASTON) speak of the moral obligation which the House was under to appropriate money to carry any treaty stipulation into effect, which might require the aid of Congress, and of the awful responsibility we should incur, were we to refuse to make such appropriation, he appeared to acknowledge a case where a treaty was not complete

without legislative aid, and that the House might incur the responsibility of refusing such aid; my first impression I therefore thought wrong, and with the treaty, the bill, and the constitution, before me, I was determined to investigate the subject attentively on its merits, with such light, however dim, as the Supreme bestower of every good gift had seen fit to impart to me. Of the opinion out of doors and of the times, I know nothing; to confess to you the truth, sir, I was afraid to recur to opinions of other times, lest they should have been produced by an excitement unfavorable to correct conclusions in politics. The result of my investigation on this subject is: that whenever a treaty or convention does, by any of its provisions, encroach upon any of the enumerated powers vested by the constitution in the Congress of the United States, or any of the laws by them enacted in execution of those powers, such treaty or convention, after being ratified, must be laid before Congress, and such provisions cannot be carried into effect without an act of Congress. For instance, whenever a treaty affected duties on imports, enlarging or diminishing them, as the present one did to diminish; whenever a treaty went to regulate commerce with foreign nations, as that expressly did with one, as the power to lay duties and the power to regulate commerce are expressly given to Congress, such provisions of such treaty must receive the sanction of Congress before they can be considered as obligatory and as part of the municipal law of this country. And this construction is strengthened by a part of the general power given to Congress, following the enumerated powers, "to make all laws which shall be necessary and proper, for carrying into execution the foregoing powers, and all other powers vested by the constitution in the Government of the United States, or in any department or office thereof." In other words, for carrying into execution the treaty-making power (that being among the other powers) in all cases where it has been exercised on subjects placed by the constitution within the control of the legislative department. This construction is further strengthened by the concession of honorable gentlemen, in one case, that where appropriations of money are necessary for carrying the provisions of any treaty into effect, there legislative provision is necessary. Now, sir, to concede that the sanction of Congress is necessary in one case of enumerated and specified power, is to concede it in all such cases. Nor, sir, can any serious inconvenience arise from this construction. As to negotiations with foreign powers, our Ministers will always know the peculiar structure of our Government; nor can foreign Ministers, who may ever be sent to treat with us, be ignorant thereof. Besides, the distinction, as to the several kinds of treaties, is well known; some respecting solely our external relations, or the intercourse between our Government and that of a foreign power,

will execute themselves, or are perfect without any legislative aid; and it can instantly be determined, from the nature of the provisions, when legislative aid is necessary. Further, sir, your Government has well understood this distinction. Some treaties they, by their proclamations, merely ratify and confirm, where legislative aid is necessary as in the present case; others, they not only ratify and confirm, but enjoin an observance thereof upon all our citizens, as will be seen by turning to the ratification, by Mr. Jefferson, of several treaties published in the seventh volume United States laws. The fear that the President and Senate (they must both, or two-thirds of the latter, concur) will agree with the House in passing an improper law on the subject of a treaty which they had before ratified, cannot be well founded. There is much more reason to fear that they may be induced to ratify a treaty requiring legislative provision, which the House ought to refuse.

Mr. MILLS said, nothing had been further from his intention than to take a part in the present debate. But although he had bestowed but little attention to the subject, he begged the indulgence of the House for a moment to the few remarks which the discussion had suggested to his mind, and which had not been noticed by those who had preceded him in the debate. Crude and indigested as these remarks may appear, he could venture to engage they would have at least the merit of brevity. Mr. M. said he was opposed to the passage of the bill; not because he felt the least disposition to impede the execution of the treaty, lame and imbecile as it is, to which it relates, but because he foresaw the danger of embarrassing the other branches of the Government by this interference, and because he believed, as well from the structure of the Government, as from the express provisions of the constitution, we could not interpose our authority in the way contemplated by this bill, without attempting an unwarrantable exercise of power not delegated to this House by the constitution. It would be not merely an act of useless legislation, but of downright usurpation. Gentlemen had indulged themselves at great length in search of arguments to prove the inexpediency of vesting the absolute and uncontrolled power of making treaties, in the President and Senate, and had taxed their imaginations for proof of the mischiefs which might result from the exercise of this power. Sir, we are not at liberty to go into that inquiry. The question is not, where ought this important prerogative of sovereignty to be lodged? But, where is it deposited by the constitution? We are not sitting as a convention to make such a distribution of powers as we think best calculated to secure the preservation of liberty, but we are called upon to exercise those powers already vested in us by the instrument which we have solemnly sworn to support.

The practice of other Governments is equally

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irrelevant to the present inquiry, and especially of those Governments whose forms of proceeding, and the distributions of whose powers, bear but a remote analogy to our own. Ours is a federative Government, composed of distinct and separate sovereignties, and clothed with no powers, excepting those which are expressly delegated by the constitution, or which necessarily result from them. It is an anomaly among existing Governments, and from the manner in which it was formed, Mr. M. said he thought it might easily be shown, that it was never the intention of the convention to vest the House of Representatives with any participation in the treaty-making power.

Thirteen independent States, each possessing all the attributes of sovereignty—the power of making treaties among the rest—varying in size, in population, in wealth, and in strength, of different habits, interests, and pursuits, assemble to form a constitution for their mutual protection and defence. The wise men to whom the accomplishment of this great object was intrusted had to contend with the prejudices of the people, and the jealousies of the States, to reconcile interests at variance with each other, and so to combine and shape them as not to sacrifice those of one section of country to the supposed advantage of others. It was, of course, a system of compromise and conciliation—each surrendering something for the good of all.

It was, therefore, for the purpose of protecting the interests and guarding the rights of the States that the constitution requires the assent of two-thirds of the members of the Senate to the ratification of a treaty. It is not because the Senate are a co-ordinate branch of the Legislature that they are called upon to advise the President upon this subject, but because they represent the sovereignty of the States; and in requiring the assent of two-thirds of the Senate, it was believed that no treaty would ever be ratified unless it was for the interest of two-thirds of the States. But, said Mr. M., adopt the doctrine contended for by the gentlemen on the other side—admit this House to a participation of this power, and what would be the consequence? Why, sir, it would be in the power of four States only, out of the eighteen, now composing the Union, to defeat the ratification of a treaty which had received the sanction of the President and two-thirds of the Senate. Yes, sir, although the Senate, representing the respective States, might have given their unanimous advice to the President, it would still be in the power of the Representatives of Massachusetts, New York, Pennsylvania, and Virginia, to prevent its being carried into effect. Where, sir, are the rights of the respective States, so sedulously guarded by the constitution; where is the security of the small States; or, where the interests of the commercial ones, if a treaty made for the protection of those great objects is liable to be defeated by a combination of this sort? The supposition is

monstrous. No, sir, the House of Representatives have no more right to interfere than they would have if the constitution had required the advice of two-thirds of the Governors of the respective States to the confirmation of a treaty. It is the assent of the States, and not of the people numerically, which was intended to be secured.

Mr. REYNOLDS said he rose with some diffidence to express his opinion on the great question now before the House, particularly after the great display made by the gentleman from South Carolina, (Mr. CALHOUN,) and from Virginia, (Mr. RANDOLPH,) who had just sat down. But whenever a great constitutional question is involved, Mr. R. said, he would always take the liberty to deliver his sentiments while he had the honor of a seat in this House. He did not mean, however, to enter into the general discussion, which the question now assumed by the eloquence of the honorable gentleman from Virginia, (Mr. RANDOLPH,) at this late hour, but merely to state the grounds on which his opinion rested. Mr. R. said it was time enough to meet the extreme case put by the honorable gentleman, when it should really and absolutely occur. And whenever Ministers, who were appointed to negotiate a treaty with a foreign power, would cede a State, or part of a State, or any territory whatever, and that sanctioned by the President and two-thirds of the Senate, he hoped to God there would always be found a redeeming spirit in this House, to check at once a course so enormous and unconstitutional. Mr. R. admitted, that there are, and may be treaties which this House may be bound to register, if you please to call it, and adopt as the supreme law of the land; and those, in his opinion, are exclusively treaties of peace, that do not require any act of legislation to carry the same into effect. But, he insisted, that all treaties of commerce and alliance, or those which required this House to appropriate the money of their constituents, did, and ought to have the sanction of Congress before they could be viewed as complete, or “the supreme law of the land.” And it was on this ground, Mr. R. said, he was opposed in toto to the doctrines advanced by the gentleman from South Carolina, (Mr. CALHOUN,) in favor of the treaty-making power. But, said the gentleman, with some degree of triumph, the President of the United States has already considered the commercial treaty as complete, because he has published the same to the world as the law of the land, and has merely transmitted a copy of it to this House without any documents to act upon. Sir, said Mr. R., this Message is the strongest evidence that can be adduced in favor of the position I have taken. The President of the United States knew well what he was about, and the course he has taken speaks volumes on the subject. What does the Message say, Mr. Speaker? It announces to us that the treaty has been duly ratified, and recommends to this House to pass such laws as may be required to

carry the same into effect. Sir, this is a treaty regulating commerce between this country and Great Britain. The constitution has confided the regulation of foreign commerce to the Congress of the United States. It is a municipal law, over which this House has a right to act. I shall therefore, sir, vote for the bill on your table, although I do not deem it of much importance as to the validity of the treaty now under consideration, or that its passage is absolutely necessary on the present occasion, but for the purpose of recording my vote in support of the great constitutional authority of this House.

Mr. HARDIN appealed to the plain common sense and intelligence of the House, whether the bill upon which they were lavishing so much of their time and exertions, was not entirely superfluous and nugatory. Here was a treaty, a contract fairly, and with full deliberation, concluded between the lawful sovereignties of this country and Great Britain, ratified as the constitutional law of the country directed, by the President, with the advice of two-thirds of the Senate, and by the President proclaimed to the people as the law of the land, with an injunction for the due observance of it—containing nothing that interfered with the municipal laws of the country—no regulation that might not be carried into immediate effect without legislative interference—involving no call whatsoever for money, and yet tenaciously held up as an object of legislation, and made the subject of a bill which did little more than re-echo it. He was as much aware as the gentlemen who supported the measure, that the treaty-making power could not, by a treaty, lawfully make war or impose taxes or encroach upon those powers which the constitution had deposited in Congress; but it was no less true that the constitution declares in unequivocal terms that the President may make treaties, and that no restriction or limitation whatsoever, to his power in that respect, is specified in that instrument, which is sufficiently declaratory of the extent of the power, inasmuch as it says that treaties made in the form and with the authorities already mentioned shall be the law of the land. Some of those honorable gentlemen, by way of smoothing the passage of the bill through the House, had argued that it was so far at least unobjectionable, that it could do no hurt, that if it did no good it could do no harm; but Mr. H. reminded the House of the eminence on which it stood; that it was composed of the assembled representatives of the nation, sent there to deliberate and to resolve upon its most important concerns, and he therefore deprecated, as it would be a dereliction of the high character of such an august assembly, their gravely deliberating upon nothing. He respected the dignity of the body too much to give his assent to their entertaining a measure for no better reason than because it was harmless. Besides, that act which now appeared so harmless, might, ultimately, turn out to be very mischievous, as

a precedent; and this violation of the constitution, in a thing no matter how trifling, might hereafter be made the ground of a more daring encroachment. On this point, he warned the House to be cautious, to guard, not only the main body, but the out-posts; and to reflect in due time, that some twenty or thirty years to come this precedent might be brought forward, to the incalculable injury, perhaps the ruin of the constitution.

The question was taken on ordering the bill to a third reading, about three o'clock, and decided in the affirmative—yeas 86, nays 69.

WEDNESDAY, January 10.

Commerce with Great Britain—Treaty-making Power.

The engrossed bill to regulate the commerce of the United States, according to the Convention of Commerce concluded with Great Britain on the third day of July last, was read the third time, and the question was stated, "Shall the bill pass?"

Mr. EASTON said he had intended yesterday to deliver his sentiments in relation to the subject-matter of the bill upon which the vote of the House was about to pass; not having then been so fortunate as to gain the floor, he now had risen to advocate its passage, and, for that purpose, begged the indulgence of the House; he asked not only the indulgence but the attention of the House to the arguments he was about to urge upon the occasion. He considered the passage of the bill very important, as it regarded the powers under the constitution, delegated to Congress; the powers delegated to the President and Senate; the powers delegated to the courts of justice; and highly important as it regarded the rights and liberties of the people of this nation.

He apprehended very injurious consequences might, at some future period, result to the nation by a contrary course. The convention being reciprocal and beneficial, it was the avowed intention and desire of all parties to carry it into effect. It had been said, by gentlemen on both sides of the House, that the convention was, of itself, the supreme law of the land, while a majority had inclined to the opinion that legislative provisions are necessary to give it force and efficiency, though some doubted as to the expediency of legislating at all upon the subject. I am of opinion, said Mr. E., that it is not a treaty until it shall have been sanctioned by the Congress of the United States, by a legislative act to carry it into effect.

The precedent about to be established, on the present occasion, was, of all others, the most favorable to the security, or pernicious in the extreme to the future liberties of the American people.

What are the powers by the constitution delegated to Congress? And what are those delegated to the treaty-making power? In adverting to the constitution, it will be found that "all legislative powers are vested in a Congress of the

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United States, which shall consist of a Senate and House of Representatives." "The Congress shall have power to regulate commerce with foreign nations." Surely, then, this power is not granted to any other authority. It cannot be given to two separate, distinct, and independent authorities. If it is given to Congress, it is not given to the treaty-making power, to the exclusion of Congress; it may be given to both to act in concert; it is not given to the one to act to the exclusion of the other. This is a Government of laws; it is not a Government by compacts, by conventions, or by treaties concluded independent of the powers of Congress, in violation of the constitution, and beyond the control of the supreme authority of the land, the sovereignty of this nation. What is the present convention? It is "a convention to regulate commerce between the territories of the United States and his Britannic Majesty;" it is then an agreement upon the face of it, "to regulate commerce with a foreign nation." The President "has power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." It is not ordained in this clause of the constitution, that such treaties are made "under the authority of the United States, nor that a treaty thus made shall "be the supreme law of the land." It would be, indeed, extraordinary, if the destinies and liberties of this nation were to rest upon the will of the treaty-forming power; I say treaty-forming power, because it is but another expression to convey a correct idea.

A power composed (as the case might happen) of the Executive and thirteen Senators, a less number by far than a majority of that honorable body; a power specially given to one authority, under the constitution, cannot be construed to be given to another; such a construction would introduce into the Government an irregularity and an inconsistency fatal to its harmony, and destructive in its consequences. The President has a qualified negative upon the laws of Congress; the Senate are a part of Congress. Is not the regulation of commerce trusted to the proper authority? Is it not in safe hands? Will you, can you, treat the authority given to Congress by the constitution, "to regulate commerce," as a dead letter?

If this construction prevails, is the treaty made without the concurrence of the President and Senate? Shall it be binding without the assent of Congress? If that assent is given, it is a treaty made under the authority of the United States.

If it is withheld, it is a treaty made under the authority of the President and Senate, and not a treaty made under the authority of the United States. I should regret, and who are they that would not regret, to see the authority and destinies of this nation placed in the hands of an Executive and a Senate.

If the treaty-making power possess the authority to make commercial and other regulations, they may go on regulating until they will

have regulated this branch of the Government (the House of Representatives) out of its whole weight of influence upon the councils of the nation; their authority will become a mere *carte blanche*, to be filled up as the treaty-making power may think proper to dictate or direct. Congress may regulate commerce in one manner; the President and Senate, at their pleasure, change that regulation.

It is a correct principle that subsequent laws, inconsistent with former laws, repeal such former laws, and is a rule which cannot be controverted. It is principle as sound and potent as the eternal principles of justice. But the question to be decided is, when does a treaty become a law, when has it efficacy as such, and when shall it be binding as the supreme authority of the nation? Two separate and distinct legislative authorities, independent of each other, possessing equal power, cannot, in one and the same Government, exist together. That is, if the Executive and Senate alone can legislate, it is perfectly idle to vest the legislative authority in Congress. "A house divided against itself cannot stand." Congress divided against itself must fall. Congress have power, or they have not power, to legislate. If they do possess the whole powers of legislation granted under the constitution, of which there cannot be a question, it follows, as a certain and incontrovertible conclusion, that the President and Senate alone, forming only two branches of the legislative authority of this Government, acting in their Executive capacities, as necessarily they must do in negotiating treaties, do not possess authority to legislate independent of the House of Representatives, the immediate Representatives of the people—the people have not granted such power.

It would be admitted, he presumed, that ours is the best constitution and Government "here below;" that it is the best to be found among the nations of the earth. It may emphatically be styled a constitution of checks and balances; the Senate in its legislative capacity, is a check upon the House of Representatives; the President upon the Congress. There must be a concurrence, according to the provisions of the constitution, to form a law, and laws must be made before they can be executed. On the Executive and treaty-making capacity of the President and Senate, the House of Representatives, with the constitution in their hand, hold a check; a treaty cannot become the supreme law of the land, which is inconsistent with the constitution, or the powers delegated to Congress by the constitution.

"The President shall nominate, and, by and with the advice of the Senate, shall appoint Ambassadors, other public Ministers and Consuls." Suppose they should appoint "swarms of officers," needless and unnecessary. The appointments are complete, the officers are made; they hold the seals of office under the authority of the constitution; they are officers to all intents and purposes; they are commissioned under

the authority of the United States, their appointments do not infringe any right or trespass upon any authority delegated to Congress, and yet, in my humble opinion, Congress would not be bound in honor, or otherwise, to sanction such a procedure by originating an appropriation bill for the outfits and expenditures of such officers. Congress are not bound, nor is the nation bound, nor are the courts of justice bound, to consider a treaty as the law of the land, until that has been made under the authority only competent to make laws for the people of this nation, to wit: the Congress of the United States.

It has been contended that the treaty repeals the discriminating duties, and it being concerning affairs wholly international, that the legislative acts of this Government operate wholly internally, and cannot reach or affect the domestic or internal regulations of the foreign nation; that the convention therefore is a compact, and its subject-matter a contract to which the legislative authority of this country cannot extend. I admit, said Mr. E., that all treaties when completed and carried into effect by the supreme authority of a State or Kingdom, are compacts, and form a part of the law of nations, but this nation is not bound by a contract to which it has not given its assent; the Senate do not go abroad, nor do they negotiate the terms of a treaty at home; to an honorable and beneficial treaty, the assent of Congress and of this honorable House is as easily obtained as that of the Senate; in ordinary legislation committees report bills, they go to different readings, according to the rules prescribed by the different branches of the Legislature, are rejected, or finally, with the approbation of the President, pass into laws, and become binding on the nation. The President has no legislative authority, strictly so speaking, and yet no bill can become a law without his assent, but by the consent of two-thirds of both Houses of Congress.

There is no expression in the constitution that authorizes the Senate to ratify a treaty; the phrase used by the constitution is, to make treaties. The question is, when shall a treaty be said to be made? Ministers and Envoys Extraordinary are appointed and commissioned to agree upon the terms of a treaty; they meet the foreign embassy in convention; they conclude a treaty. The convention with Great Britain was concluded on the third day of July, one thousand eight hundred and fifteen; it was then moulded. It was not then made, although in common *parlance* it is said to have been made. It was like dough unbaked. It will not be bread till it is baked. The treaty is forwarded to the President; if he disapproves of it, he returns it to those who framed it; if he likes it, he submits it to the Senate; if they approve of it, it is ratified; it is then said to be made. But it is not yet completed under the authority of the United States; it is only a treaty *sub modo*; it is not a treaty in effect. It does not become the property of the nation till it shall have re-

ceived the sanction of the national consent, through the organs of the national will. The constitution does not declare that a treaty made, by and with the advice and consent of the Senate, shall be the supreme law of the land. It does not say that a treaty so concluded, so ratified, so made, or whatsoever you may please to term it, is made under the authority of the United States. It cannot be a treaty till it shall have received the sanction of the national authority under the constitution; when it shall have received that sanction, it is then, and not till then, a treaty made under the constitution and under the laws of the United States, and such a treaty made under their authority, to which the judicial power shall extend. They are treaties only made under the authority of the United States, which are declared to be the supreme law of the land by the constitution, and which the judges in every State are bound to obey. For example: It might be said that a piece of parchment in printed form of a commission, filled out with the name of the incumbent, and sign manual of the Executive subscribed to it, is a commission; and yet it is not a commission under the authority of the United States until the proper seal shall be thereto set and affixed in due form of law.

Sir, the present convention is a commercial regulation, which interferes with the powers expressly delegated to the legislative authority, and therefore must receive the legislative sanction, the confirmation of Congress, before it can be binding on the people of this nation; and without which it is not competent to the President and Senate, or to the judicial authority, to enforce.

MR. CUTHBERT.—From the temper discovered by the House, at the introduction of this bill, I had expected but little discussion. This expectation has been disappointed. Discussion has been opened and extended. Those who advocate the principles which make the bill necessary, can no longer withhold themselves from the debate. When my friend from South Carolina (Mr. CALHOUN) yesterday resumed his seat, I felt myself under the influence of a strong impulse to reply, but restrained, because I participated in the general anxiety to listen to a gentleman who has recently appeared in this hall. I now rise for the purpose of such reply, which I shall enter upon without preamble, and accomplish with brevity. First, then, I demand that which cannot well be refused to me, and which being granted, all that I desire to establish must of necessity follow. What, then, do I demand? It is this: Are the principles of our Republican Constitution of Government founded in the reason and nature of things, necessary to the conservation of public liberty, the safeguard of the general interests, and the security of the equal rights of the citizen? Has it been the result of a spirit of liberty, chastened by sober wisdom, and a sober wisdom animated by the spirit of liberty; that all our constitution and law rests upon this principle:

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"All legislative power shall be vested in a Congress, consisting of a Senate and House of Representatives?" Is this structure of Government, this instrument of the powers of legislation that, without which we can form no idea of civil and political liberty, and a safe guardianship of the general interests? Yes, with confidence, I demand if there be any in this House who will question these principles. Certainly none! How strange, wild, and contradictory then does it appear, that having acknowledged that our Republican Constitution of Government, founded on the reason of things and the nature of man, can allow only one plan of legislation to be consistent with the liberties and interests of the people, any one should immediately add, that this same constitution provides another and entirely different mode of legislating. Yes, I say, it does appear absurd and contradictory, that it being necessarily granted that our constitution has vested all the liberties of the citizen and the interests of the community on this principle, that all legislative power shall be vested in a Congress composed of one popular branch, the immediate representatives of the people, styled the House of Representatives, and another branch representing the same sovereignties, under the style of the Senate—it should be added, that this same constitution provides the making of laws by the Chief Magistrate and the Senate, without reference to the immediate Representatives of people. For such are the claims for the treaty-making power, made by those who advocate its extent in this debate. As what may not become the subject of a treaty; commercial regulation, the raising of armies and of navies, extension of the rights of citizenship? What, then, are there to be no grand and fixed principles of liberty, which, settling on their foundations, from day to day, shall acquire with the progress of time an immovable firmness? No grand principles, which, incorporating themselves with the soul of the American citizen, shall make a part of his very nature, and revolting into strong action, on violation, shall thus become the sanction of their own preservation? May that plan of policy which ought to be believed to have cast its roots so deeply, and taken so strong a hold, be torn up thus easily, I had almost said, thus wantonly? In fine, may a treaty with a foreign despot, petty or mighty, subvert to its base the legislative authority on which depends the entire scheme of our polity and liberty?

For what is there that may not become (as has been said) the subject of a treaty; commercial regulation, the raising of money, of armies, and of fleets, the franchises of citizenship, and whatever properly belongs to, and is most interesting in legislation? My friend from South Carolina, clear, rapid, ardent, and impatient in his intellectual operations, is, perhaps, carried too strongly towards metaphysical subtlety and the soundness and completeness of theory. If from this cause he has here erred, I would beg

leave to remind him, that wretched indeed would be the condition of the human race could the great principles of Government be understood only by a few minds, subtle, refined, and comprehensive. Wretched, indeed, would be the condition of the human race, did the public liberty rest only in the refined subtleties of metaphysics. My friend, with the higher and more solid attributes of genius, is not without some of its shining defects. Fertile in the invention of topics to sustain the cause he advocates, he is inclined to select those which do not readily present themselves to common apprehension. Recommended as they are to himself by the beauty and freshness of novelty, he is aware that they carry the minds of those to whom he addresses himself by a kind of surprise, producing a quick and lively impression. But such reasoning should be regarded with suspicion. Thus, then, we are told, that a treaty being a contract to which two nations are parties, must be of higher and more solemn obligation than a law which is the act of one nation. Such a treaty contract, it is said, being of a higher nature, and more binding force than a law, may repeal a law, cannot require the sanction of a law, or by a law be invalidated. How fallacious this reasoning! Who in this country, I ask, is the party concerned as principal in a treaty contract? The people. Who their agent? The treaty-making power. Where are the instructions of the agent to be found? In the constitution. And can a contract be considered as complete and of binding force, that has not received the sanction which, according to its character, is required by the instructions of the principal? What inferior contract can dissolve, or in any manner affect the conditions of that imperial contract, the constitution of republican Government, in which the citizens by a solemn act engage themselves to each other, and prescribe limits to those who administer their affairs? It is this contract on which rests all Government, which gives force to all laws, and life and validity to all other contracts.

But the faith of the nation we are told is pledged by a treaty. Ah! that is the question in discussion. Is the faith of the nation pledged? Certainly, the faith of the nation is not pledged where a treaty requires the sanction of a law, until that sanction is afforded. It is the seal manual that stamps the hitherto incomplete engagement. Foreign nations are bound to understand the constitution of the Government of the people with whom they treat. Our constitution is the credentials borne in hand by our negotiators.

The error (as it appears to me) of those who deny the necessity of a law of Congress to give full force to treaties which embrace subjects properly of legislation, has its commencement in this: that they do not comprehend in their view of the constitution its different parts, but, seizing on the treaty-making power alone, carry it to an irrational extent, and with a vio-

lent invasion over all the rest which are forced to yield. The constitution is then rightly construed when its several principles, all set in operation, are properly adjusted, balanced, and harmonized. Each must receive its due weight and force according to its weight and relation to others.

Mr. TUCKER said that he should not have risen to offer to the House any remarks on the subject before it, if he had not conceived that there were some important considerations that had not yet been presented to its view. Gentlemen, he said, have so eagerly entered upon the discussion of the general question in relation to the treaty-making power, a question of the greatest magnitude and interest, that their attention seems to have been, in a great measure, withdrawn from the bill under consideration. Let us remember, however, that whatever may be our respective opinions on the subject of the powers of the several branches of Government, the passage of this bill may, in the present state of things, become absolutely necessary; let us reflect, that, upon our decision on this occasion, the execution of the treaty on our part in the spirit of good faith, may essentially depend, and whilst we look to the question of constitutional power, let us not entirely forget the peculiar character of this treaty, and the provisions of this bill.

Before I call the attention of the House to the treaty itself, and endeavor to explain the necessity of legislative interference on this occasion, let me touch for a moment on the subject of the treaty-making power; without pretending, however, to a comprehensive investigation of the constitutional doctrines in relation to it, as such an attempt would lead to too wide a discussion, and might prove both tedious and uninteresting.

I concede, without hesitation, that the treaty-making power is vested in the President and Senate; but, so far from assenting to the proposition that Congress have, in no case, a right to interfere, I contend that it may be of the very essence of a treaty to engage on the part of the United States, that Congress will, or will not do an act, or will, or will not pass a law.

I understand a treaty made by the Executive, to be an engagement entered into by the President and Senate on the part of the United States, with a foreign power, by which something may be engaged to be done or omitted on the part of this nation. It is rather a contract by which the parties undertake that something shall be done, than an act by which it is done. The stipulations of the instrument which the nation by its Executive undertakes to perform, are also of various characters, and separate and distinct natures. Some may be Executive merely, some legislative; and, indeed, from the treaty made under the old confederation whereby it was stipulated that the creditors of the two nations should meet with no impediment in the recovery of their debts, it seems, that the engagements of the contracting powers may, on

some occasions, be referable to the judiciary department of the Government. In either case, the treaty entered into by the President and Senate, can be regarded in no other light than as an engagement on the part of this nation, that the stipulations of the contract shall be carried into effect by that department of the Government within whose province they may respectively fall. Thus, if it be agreed that an Executive act shall be done, the Executive alone may carry the treaty into full and complete operation. If it be agreed that something shall be done, which falls within the province of the legislative power, then the legislative aid becomes necessary, because, though the President and Senate may make a treaty, the constitution nowhere empowers them to make a law. These principles are not only clear and palpable, I conceive, but they have been acted on, and are admitted in effect by the course of argument which has been pursued. Thus, if it be engaged that peace shall be made and armies withdrawn, the Executive, by its mandate, proclaims peace, or commands the retreat of its forces; yet, however solemn and obligatory a treaty from the moment of its signature becomes upon that department on which it binds, until that department acts, it is no rule of action for those under its control. If a treaty of peace, for example, be made, yet if the Executive fail to promulgate it, if they refuse to proclaim it, if they refuse to give orders to their armies, and their commanders to suspend hostilities, no commander, no officer would be justified in acting under it until his orders were received, unless he did so upon his own responsibility. So too in the case of the treaty under consideration. However conclusive and plain the treaty may be, who will pretend that every collector and deputy collector in the Union may, without orders from any department of the Government, consider the treaty as the supreme law, as his supreme rule of conduct, and act accordingly? If not, then some other act is necessary to carry this treaty into operation, whether Executive or legislative, I will not now stop to inquire. The treaty, then, does not execute itself. It is not (without any thing further) the supreme law or rule of conduct for every individual, for, if it be, then every individual is justified in acting at once, without waiting Executive instruction; nay, after receiving such instruction, they would in conscience be bound to follow the treaty, (thus become the law of the land,) rather than the instruction of the President and his Secretaries.

These considerations prove, sufficiently, I conceive, that even where stipulations are made, which are fully within the province of the Executive power, a treaty does not, cannot, execute itself; that it is in truth a contract to do something, not an act by which it is done.

This distinction, Mr. Speaker, becomes yet more plain, when we come to apply it to a treaty containing stipulations by which the nation engages to do something that falls within the

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sphere of legislative power. I will not stop to prove, by laborious reasoning, that cases may occur in which the legislative body must be called on to execute the provisions of a treaty; I will not fatigue the House with an effort to show that there are cases in which the treaty can neither operate as a law, nor the Executive enforce its provisions without a law. It would be useless, for the position has always been admitted, has often been acted on, and is now most amply conceded. Such, sir, is the case of a treaty, the stipulations of which, calling upon the treasures of the country, require an appropriation. Such, too, the case of a cession of territory spoken of in the debate, if we could dream of such a power existing anywhere in the Federal Government. Such, too, the case of the stipulations in the convention by which Louisiana was ceded to the United States, whereby on certain terms, she was to be admitted into the Union. Let us pause for a moment and ask ourselves, whether such treaties can be regarded as executing themselves; whether they can have operation without legislative aid? Can a treaty lay a tax; can a treaty make an appropriation; can a treaty, *ipso facto*, cede territory; can a treaty erect a territory into a State? Can these things be done by the treaty alone, or by the aid and instrumentality of the Executive, without legislative assistance? It is admitted on all hands they cannot. Even the most zealous supporters of the treaty-making power acknowledge that they must, in such cases, look to the legislature, though they contend that this body is bound to pass the necessary laws. I will not stop at this time to examine this principle, but ask whether it is not palpable from these admissions, that in all such cases a treaty does not actually make or change the law, but only engages on the part of the United States that it shall be made or changed? If so, I am not incorrect in supposing, that a treaty is merely an engagement that certain acts shall be done by that department of the Government within whose province they may fall; and that it does not operate in cases falling within the sphere of the legislative power, without the aid of that branch of the Government.

If it were otherwise, if we were indeed to give in to the monstrous construction, that a treaty of itself is to be regarded as a law; that it can repeal a solemn act of the legislature, and operate directly upon the community without the agency of that branch of the Government, in cases exclusively within the legitimate sphere; to what fatal lengths shall we not be led? If treaties have this effect in one case, why not in all? If in taking off a duty, why not in making an appropriation? if in repealing one law, why not in passing another? why not in laying taxes, granting subsidies, making cessions of territory; and even paying tribute to an Algerine Dey without consent of Congress, if indeed our gallant seamen had not procured more honorable terms for us in the late negotiation? Can gentlemen draw the line of discrimination?

Can they point out that part of the constitution, which, in the supposed concession to the treaty-making power of the legislative authority, says to the former, "thus far shall thou go and no farther?" And if they cannot, this independence of the legislature must exist in all cases or none. It is admitted that it does not exist in all, (as in the cases of appropriation, &c.,) and I therefore conclude it exists in none.

But if the legislative authority be necessary, is it true that we are bound to act in a particular way? Is it true that we must pass the laws which the treaty-making power engages we shall pass? Impossible! When our aid is called for, we must have the power to deliberate; if to deliberate, we must have a discretion to pass or to reject; since without it deliberation is a mockery, and legislative solemnities a fair subject of derision and contempt.

Mr. PINKNEY said he intended yesterday, if the state of his health had permitted, to have trespassed on the House with a short sketch of the grounds upon which he disapproved of this bill. What I could not do then, said he, I am about to endeavor now, under the pressure nevertheless of continuing indisposition, as well as under the influence of a natural reluctance thus to manifest an apparently ambitious and improvident hurry to lay aside the character of a listener to the wisdom of others, by which I could not fail to profit, for that of an expounder of my own humble notions, which are not likely to be profitable to any body. It is, indeed, but too probable, that I should best have consulted both delicacy and discretion if I had forborne this precipitate attempt to launch my little bark upon what an honorable member has aptly termed "the torrent of debate," which this bill has produced. I am conscious that it may with singular propriety be said of me that I am *novus hoepes* here, that I have scarcely begun to acquire a domicile among those whom I am undertaking to address; and that recently transplanted hither from courts of judicature, I ought for a season, to look upon myself as a sort of exotic, which time has not sufficiently familiarized with the soil to which it has been removed, to enable it to put forth either fruit or flower. However all this may be, it is now too late to be silent. I proceed, therefore, to entreat your indulgent attention to the few words with which I have to trouble you upon the subject under deliberation.

That subject has already been treated with an admirable force and perspicuity on all sides of the House. The strong power of argument has drawn aside, as it ought to do, the veil which is supposed to belong to it, and which some of us seem unwilling to disturb; and the stronger power of genius, from a higher region than that of argument, has thrown upon it all the light with which it is the prerogative of genius to invest and illustrate every thing. It is fit that it should be so; for the subject is worthy, by its dignity and importance, to employ in the discussion of it all the powers of the mind and all

the eloquence by which I have already felt that this assembly is distinguished. The subject is the fundamental law. We owe it to the people to labor with sincerity and diligence, to ascertain the true construction of that law, which is but a record of their will. We owe it to the obligations of the oath which has recently been imprinted upon our consciences, as well as to the people, to be obedient to that will, when we have succeeded in ascertaining it. I shall give you my opinion upon this matter, with the utmost deference for the judgment of others; but at the same time with that honest and unreserved freedom which becomes this place, and is suited to my habits.

Before we can be in a situation to decide whether this bill ought to pass, we must know precisely what it is; what it is not is obvious. It is not a bill which is auxiliary to the treaty. It does not deal with details, which the treaty does not bear in its own bosom. It contains no subsidiary enactments, no dependent provisions, flowing as corollaries from the treaty. It is not to raise money, or to make appropriations, or to do any thing else beyond or out of the treaty. It acts simply as the echo of the treaty.

"Ingeminat voces, aditque verba reportat." It may properly be called the twin brother of the treaty; its duplicate, its reflected image; for it re-enacts with a timid fidelity, somewhat inconsistent with the boldness of its pretensions, all that the treaty stipulates, and having performed that work of supererogation, stops. It once attempted something more, indeed, but that surplus has been expunged from it as a desperate intruder, as something which might violate, by a misinterpretation of the treaty, that very public faith which we are now prepared to say the treaty has never plighted in any the smallest degree. In a word, the bill is a *fac simile* of the treaty in all its clauses.

I am warranted in concluding, then, that if it be any thing but an empty form of words, it is a confirmation or ratification of the treaty; or, to speak with a more guarded accuracy, is an act, to which only (if passed into a law) the treaty can owe its being. If it does not spring from the *"pruritus reges ferendi,"* by which this body can never be afflicted, I am warranted in saying that it springs from an hypothesis (which may afflict us with a worse disease) that no treaty of commerce can be made by any power in the State but Congress. It stands upon that postulate, or it is a mere bubble, which might be suffered to float through the forms of legislation, and then to burst without consequence or notice.

That this postulate is utterly irreconcilable with the claims and port with which this convention comes before you, it is impossible to deny. Look at it! Has it the air or shape of a mere pledge that the President will recommend to Congress the passage of such laws as will produce the effect at which it aims? Does it profess to be preliminary, or provisional, or inchoate, or to rely upon your instrumentality

in the consummation of it, or to take any notice of you, however distant, as actual or eventual parties to it? No; it pretends upon the face of it, and in the solemnities with which it has been accompanied and followed, to be a pact with a foreign State, complete and self-efficient, from the obligation of which this Government cannot now escape, and to the perfection of which no more is necessary than has already been done. It contains the clause which is found in the treaty of 1794, and substantially in every other treaty made by the United States under the present constitution, so as to have become a formula, that when ratified by the President of the United States, by and with the advice and consent of the Senate, and by His Britannic Majesty, and the respective ratifications mutually exchanged, it shall be binding and obligatory on the said States and His Majesty.

It has been ratified in conformity with that clause. Its ratifications have been exchanged in the established and stipulated mode. It has been proclaimed as other treaties have been proclaimed, by the Executive Government, as an integral portion of the law of the land, and our citizens at home and abroad have been admonished to keep and observe it accordingly. It has been sent to the other contracting party, with the last stamp of the national faith upon it, after the manner of former treaties with the same power, and will have been received and acted upon by that party as a concluded contract, long before your loitering legislation can overtake it. I profess, sir, I am somewhat at a loss to understand what this convention has been since its ratifications were exchanged, and what it is now, if our bill be sound in its principle. Has it not been, and is it not, an unintelligible, unbaptized and unbaptizable thing, without attributes of any kind, bearing the semblance of an executed compact, but in reality a hollow fiction; a thing which no man is held to consider even as the germ of a treaty, entitled to be cherished in the vineyard of the constitution; a thing which professing to have done every thing that public honor demands, has done nothing but practice delusion? You may ransack every diplomatic nomenclature, and run through every vocabulary, whether of diplomacy or law, and you shall not find a word by which you may distinguish, if our bill be correct in its hypothesis, this "deed without a name." A plain man who is not used to manage his phrases, may, therefore, presume to say that if this convention with England be not a valid treaty, which does not stand in need of your assistance, it is a usurpation on the part of those who have undertaken to make it; that if it be not an act within the treaty-making capacity, confided to the President and Senate, it is an encroachment on the legislative rights of Congress.

I am one of those who view the bill upon the table as declaring that it is not within that capacity, as looking down upon the convention as the still-born progeny of arrogated power, as

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offering to it the paternity of Congress, and affecting by that paternity to give to it life and strength; and as I think that the convention does not stand in need of any such filiation, to make it either strong or legitimate, that it is already all that it can become, and that useless legislation upon such a subject is vicious legislation, I shall vote against the bill. The correctness of these opinions is what I propose to establish.

I lay it down as an incontrovertible truth, that the constitution has assumed (and, indeed, how could it do otherwise?) that the Government of the United States might and would have occasion, like the other Governments of the civilized world, to enter into treaties with foreign powers, upon the various subjects involved in their mutual relations; and further, that it might be, and was, proper, to designate the department of the Government in which the capacity to make such treaties should be lodged. It has said, accordingly, that the President, with the concurrence of the Senate, shall possess this portion of the national sovereignty. It has, furthermore, given to the same Magistrate, with the same concurrence, the exclusive creation and control of the whole machinery of diplomacy. He only, with the approbation of the Senate, can appoint a negotiator, or can make any step towards negotiation. The constitution does not, in any part of it, even intimate that any other department shall possess either a constant or an occasional right to interpose in the preparation of any treaty, or in the final perfection of it. The President and Senate are explicitly pointed out as the sole actors in that sort of transaction. The prescribed concurrence of the Senate, and that, too, by a majority greater than the ordinary legislative majority, plainly excludes the necessity of Congressional concurrence. If the consent of Congress to any treaty had been intended, the constitution would not have been guilty of the absurdity of first putting a treaty for ratification to the President and Senate exclusively, and again, to the same President and Senate as portions of the Legislature. It would have submitted the whole matter at once to Congress, and the more especially, as the ratification of a treaty by the Senate, as a branch of the Legislature, may be by a smaller number than a ratification of it by the same body as a branch of the Executive government. If the ratification of any treaty by the President, with the advice and consent of the Senate, must be followed by a legislative ratification, it is a mere nonentity. It is good for all purposes, or for none. And if it be nothing in effect, it is a mockery by which nobody would be bound. The President and Senate would not themselves be bound by it; and the ratification would at last depend, not upon the will of the President and two-thirds of the Senate, but upon the will of a bare majority of the two branches of the Legislature, subject to the qualified legislative control of the President.

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Upon the power of the President and Senate, therefore, there can be no doubt. The only question is, as to the extent of it, or, in other words, as to the subject upon which it may be exerted. The effect of the power, when exerted within its lawful sphere, is beyond the reach of controversy. The constitution has declared, that whatsoever amounts to a treaty, made under the authority of the United States, shall immediately be supreme law. It has contradistinguished a treaty as a law, from an act of Congress as a law. It has erected treaties, so contradistinguished into a binding judicial rule. It has given them to our courts of justice, in defining their jurisdiction, as a portion of the *lex terræ*, which they are to interpret and enforce. In a word, it has communicated to them, as ratified by the department which it has specially provided for the making of them, the rank of law, or it has spoken without meaning. And if it has elevated them to that rank, it is idle to attempt to raise them to it by ordinary legislation.

Upon the extent of the power, or the subjects upon which it may act, there is as little room for controversy. The power is to make treaties. The word treaties is *nomen generalissimum*, and will comprehend commercial treaties, unless there be a limit upon it by which they are excluded. It is the appellative, which will take in the whole species, if there be nothing to narrow its scope. There is no such limit. There is not a syllable in the context of the clause to restrict the natural import of its phraseology. The power is left to the force of the generic term, and is therefore as wide as a treaty-making power can be. It embraces all the varieties which it could be supposed this Government could find it necessary or proper to make, or it embraces none. It covers the whole treaty-making ground which this Government could be expected to occupy, or not an inch of it.

It is a just presumption, that it was designed to be coextensive with all the exigencies of our affairs. Usage sanctions that presumption—expediency does the same. The omission of any exception to the power, the omission of the designation of a mode, by which a treaty, not intended to be included within it, might otherwise be made, confirms it. That a commercial treaty was, above all others, in the contemplation of the constitution, is manifest. The immemorial practice of Europe, and particularly of the nation from which we emigrated, the consonance of enlightened theory to that practice, prove it. It may be said, indeed, that at the epoch of the birth of our constitution, the necessity for a power to make commercial treaties was scarcely visible, for that our trade was then in its infancy. It was so; but it was the infancy of another Hercules, promising not, indeed, a victory over the lion of Nemæa, or the boar of Erymanthus, but the peaceful conquest of every sea which could be subjected to the dominion of commercial enterprise. It was

then as apparent as it is now, that the destinies of this great nation were irrevocably commercial; that the ocean would be whitened by our sails, and the "*ultima thule*" of the world compelled to witness the more than Phœnician spirit and intelligence of our merchants. With this glorious anticipation dawning upon them; with this resplendent Aurora gilding the prospect of the future; nay, with the risen orb of trade illuminating the vast horizon of American greatness, it cannot be supposed that the framers of the constitution did not look to the time when we should be called upon to make commercial conventions.

It needs not the aid of the imagination to reject this disparaging and monstrous supposition. Dulness itself, throwing aside the lethargy of its character, and rising for a passing moment to the rapture of enthusiasm, will disclaim it with indignation.

It is said, however, that the constitution has given to Congress the power to regulate commerce with foreign nations, and that, since it would be inconsistent with that power, that the President, with the consent of the Senate, should do the same thing, it follows that this power of Congress is an exception out of the treaty-making power. Never were premises, as it appears to my understanding, less suited to the conclusion. The power of Congress to regulate our foreign trade, is a power of municipal legislation, and was designed to operate as far as, upon such a subject, municipal legislation can reach. Without such a power, the Government would be wholly inadequate to the ends for which it was instituted. A power to regulate commerce by treaty alone would touch only a portion of the subject. A wider and more general power was therefore indispensable, and it was properly devolved upon Congress, as the Legislature of the Union.

On the other hand, a power of mere municipal legislation, acting upon views exclusively our own, having no reference to a reciprocity of advantages by arrangements with a foreign State, would also fall short of the ends of Government in a country, of which the commercial relations are complex and extensive, and liable to be embarrassed by conflicts between its own interests and those of other nations. That the power of Congress is simply legislative in the strictest sense, and calculated for ordinary domestic regulations only, is plain from the language in which it is communicated. There is nothing in that language which indicates regulation, by compact or compromise, nothing which points to the co-operation of a foreign power, nothing which designates a treaty-making faculty. It is not connected with any of the necessary accompaniments of that faculty, it is not furnished with any of those means, without which it is impossible to make the smallest progress towards a treaty.

It is self-evident that a capacity to regulate commerce by treaty was intended by the constitution to be lodged somewhere. It is just as

evident that the legislative capacity of Congress does not amount to it, and cannot be exerted to produce a treaty. It can produce only a statute, with which a foreign State cannot be made to concur, and which will not yield to any modifications which a foreign State may desire to impress upon it for suitable equivalents. There is no way in which Congress, as such, can mould its laws into treaties, if it respects the constitution. It may legislate and counter-legislate; but it must forever be beyond its capacity to combine in a law, emanating from its separate domestic authority, its own views with those of other Governments, and to produce a harmonious reconciliation of those jarring purposes and discordant elements, which it is the business of negotiation to adjust.

I reason thus, then, upon this part of the subject. It is clear that the power of Congress, as to foreign commerce, is only what it professes to be in the constitution, a legislative power, to be exerted municipally without consultation or agreement with those with whom we have an intercourse of trade; it is undeniable that the constitution meant to provide for the exercise of another power relative to commerce, which should exert itself in concert with the analogous power in other countries, and should bring about its results, not by statute enacted by itself, but by an international compact called a treaty; that it is manifest that this other power is vested by the constitution in the President and Senate, the only department of the Government which it authorizes to make any treaty, and which it enables to make all treaties; that if it be so vested, its regular exercise must result in that which, as far as it reaches, is law in itself, and consequently repeals such municipal regulations as stand in its way, since it is expressly declared by the constitution that treaties regularly made shall have, as they ought to have, the force of law. In all this I perceive nothing to perplex or alarm us. It exhibits a well-digested and uniform plan of Government, worthy of the excellent men by whom it was formed. The ordinary power to regulate commerce by statutory enactments could only be devolved upon Congress, possessing all the other legislative powers of the Government. The extraordinary power to regulate it by treaty could not be devolved upon Congress, because, from its composition and the absence of all those authorities and functions which are essential to the activity and effect of a treaty-making power, it was not calculated to be the depository of it. It was wise and consistent to place the extraordinary power to regulate commerce by treaty, where the residue of the treaty-making power was placed, where only the means of negotiation could be found, and the skilful and beneficial use of them could reasonably be expected. That Congress legislates upon commerce subject to the treaty-making power, is a position perfectly intelligible; but the understanding is in some degree confounded by the other proposition, that the

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legislative power of Congress is an exception out of the treaty-making power. It introduces into the constitution a strange anomaly—a commercial State, with a written constitution and no power in it to regulate its trade, in conjunction with other States, in the universal mode of convention. It will be in vain to urge that this anomaly is merely imaginary, or that the President and Senate may make a treaty of commerce for the consideration of Congress. The answer is, that the treaties which the President and Senate are entitled to make, are such as, when made, become law; that it is no part of their functions simply to initiate treaties, but conclusively to make them; and that where they have no power to make them, there is no provision in the constitution how or by whom they shall be made.

That there is nothing new in the idea of a separation of the legislative and conventional powers upon commercial subjects, and of the necessary control of the former by the latter, is known to all who are acquainted with the constitution of England. The Parliament of that country enacts the statutes by which its trade is regulated municipally. The Crown modifies them by a treaty. It has been imagined, indeed, that the Parliament is in the practice of confirming such treaties; but the fact is undoubtedly otherwise. Commercial treaties are laid before Parliament because the King's Ministers are responsible for their advice in the making of them, and because the vast range and complication of the English laws of trade and revenue render legislation unavoidable, not for the ratification, but the execution of their commercial treaties.

It is suggested, again, that the treaty-making power (unless we are tenants in common of it with the President and Senate, to the extent at least of our legislative rights) is a pestilent monster, pregnant with all sorts of disasters! It teems with "gorgons, and hydras, and chimeras dire!" At any rate I may take for granted that the case before us does not justify this array of metaphor and fable, since we are all agreed that the convention with England is not only harmless, but salutary. To put this particular case, however, out of the argument, what have we to do with considerations like these? Are we here to form or to submit to the constitution, as it has been given to us for a rule by those who are our masters? Can we take upon ourselves the office of political casuists, and, because we think that a power ought to be less than it is, compel it to shrink to our standard? Are we to bow with reverence before the national will as the constitution displays it, or to fashion it to our own; to quarrel with that charter, without which we ourselves are nothing, or to take it as a guide which we cannot desert with innocence or safety? But why is the treaty-making power, lodged, as I contend it is, in the President and Senate, likely to disaster us, as we are required to apprehend it will? Sufficient checks have

not, it seems, been provided, either by the constitution or the nature of things, to prevent the abuse of it. It is in the House of Representatives alone that the amulet which bids defiance to the approaches of political disease, or cures it when it has commenced, can in all vicissitudes be found. I hold that the checks are sufficient, without the charm of our legislative agency, for all these occasions which wisdom is bound to foresee and to guard against; and that as to the rest, (the eccentricities and portents which no ordinary checks can deal with,) the occasions must provide for themselves.

It is natural, here, to ask of gentlemen, what security they would have? They cannot take a *bond of fate*, and they have every pledge which is short of it. Have they not, as respects the President, all the security upon which they rely from day to day for the discreet and upright discharge of the whole of his other duties, many and various as they are? What security have they that he will not appoint to office the *refuse* of the world; that he will not pollute the sanctuary of justice by calling vagabonds to its holy ministry, instead of adorning it with men like those who now give to the bench more dignity than they receive from it; that he will not enter into a treaty of amnesty with every conspirator against law and order, and pardon culprits from mere enmity to virtue? The security for all this, and infinitely more, is found in the constitution and in the order of nature; and we are all satisfied with it. One should think that the same security, which thus far time has so discredited, might be sufficient to tranquillize us upon the score of the power which we are now considering.

We talk of ourselves as if we only were the Representatives of the people. But the First Magistrate of this country is also the representative of the people, the creature of their sovereignty, the administrator of their power, their steward and servant, as you are. He comes from the people—is lifted by them into place and authority—and after a short time returns to them for censure or applause. There is no analogy between such a magistrate and the hereditary monarchs of Europe. He is not born to the inheritance of office; he cannot even be elected until he has reached an age at which he must pass for what he is—until his habits have been formed, his integrity tried, his capacity ascertained, his character discussed and probed for a series of years by a press which knows none of the restraints of European policy. He acts, as you do, in the full view of his constituents, and under the consciousness that, on account of the singleness of his station, all eyes are upon him. He knows, too, as well as you can know, the temper and intelligence of those for whom he acts, and to whom he is amenable. He cannot hope that they will be blind to the vices of his administration, on subjects of high concernment and vital interest; and, in proportion as he acts upon his own responsibility, unrelieved and undiluted by the infusion of ours,

is the danger of ill-advised conduct likely to be present to his mind.

Of all the powers which have been intrusted to him, there is none to which the temptations to abuse belong so little as to the treaty-making power, in all its branches—none which can boast such mighty safeguards in the feelings, and views, and passions which even a misanthrope could attribute to the foremost citizen of this Republic. He can have no motive to paralyze by a commercial or any other treaty the prosperity of his country. Setting apart the restraints of honor and patriotism, which are characteristic of public men in a nation habitually free, could he do so without subjecting himself as a member of the community—to say nothing of his immediate connections—to the evils of his own work? A commercial treaty, too, is always a conspicuous measure; it speaks for itself; it cannot take the garb of hypocrisy, and shelter itself from the scrutiny of a vigilant and well-instructed population. If it be bad, it will be condemned; and if dishonestly made, be execrated. The pride of country, moreover, which animates even the lowest of mankind, is here a peculiar pledge for the provident and wholesome exercise of power. There is not a consideration by which a chord in the human breast can be made to vibrate that is not in this case the ally of duty. Every hope, either lofty or humble, that springs forward to the future; even the vanity which looks not beyond the moment; the dread of shame and the love of glory; the instinct of ambition; the domestic affections; the cold pondering of prudence; and the ardent instigations of sentiment and passion—are all on the side of duty. It is in the exercise of this power, that responsibility to public opinion, which even despotism feels and truckles to, is of gigantic force. If it were possible—as I am sure it is not—that an American citizen, raised upon the credit of a long life of virtue to a station so full of honor, could feel a disposition to mingle the little interests of a perverted ambition with the great concerns of his country, as embraced by a commercial treaty, and to sacrifice her happiness and power by the stipulations of that treaty, to flatter or aggrandize a foreign State, he would still be saved from the perdition of such a course, not only by constitutional checks, but by the irresistible efficacy of responsibility to public opinion, in a nation whose public opinion wears no mask, and will not be silenced. He would remember that his political career is but the thing of an hour, and that, when it has passed, he must descend to the private station from which he rose, the object either of love and veneration, or of scorn and horror. If we cast a glance at England, we shall not fail to see the influence of public opinion upon a hereditary King, an hereditary nobility, and a House of Commons, elected in a great degree by rotten boroughs, and overflowing with placemen. And if this influence is potent there against all the efforts of independent power and wide-spread

corruption, it must in this country be omnipotent.

But, the treaty-making power of the President is further checked by the necessity of the concurrence of two-thirds of the Senate, consisting of men selected by the Legislatures of the States, themselves elected by the people. They, too, must have passed through the probation of time before they can be chosen, and must bring with them every title to confidence. The duration of their office is that of a few years; their numbers are considerable; their constitutional responsibility as great as it can be; and their moral responsibility beyond all calculation.

The power of impeachment has been mentioned as a check upon the President, in the exercise of the treaty-making capacity. I rely upon it less than upon others of, as I think, a better class; but, as the constitution places some reliance upon it, so do I. It has been said that impeachment has been tried and found wanting. Two impeachments have failed, as I have understood, (that of a Judge was one,) but they may have failed for reasons consistent with the general efficacy of such a proceeding. I know nothing of their merits, but I am justified in supposing that the evidence was defective, or that the parties were innocent, as they were pronounced to be. Of this, however, I feel assured, that if it should ever happen that the President is found to deserve the punishment which impeachment seeks to inflict—even for making a treaty to which his judges have become parties—and this body should accuse him in a constitutional way, he will not easily escape. But be that as it may, I ask if it is nothing that you have power to arraign him as a culprit? Is it nothing that you can bring him to the bar, expose his misconduct to the world, and bring down the indignation of the public upon him, and those who dare to acquit him?

If there be any power explicitly granted by the constitution to Congress, it is that of declaring war; and if there be any exercise of human legislation more solemn and important than another, it is a declaration of war. For expansion it is the largest; for effect the most awful of all the enactments to which Congress is competent; and it always is, or ought to be, preceded by grave and anxious deliberation. This power, too, is connected with, or virtually involves, others of high import and efficacy; among which may be ranked the power of granting letters of marque and reprisal, of regulating captures, of prohibiting intercourse with, or the acceptance of protections or licenses from, the enemy. Yet further: a power to declare war implies, with peculiar emphasis, a negative upon all power, in any other branch of the Government, inconsistent with the full and continuing effect of it. A power to make peace in any other branch of the Government is utterly inconsistent with that full and continuing effect. It may even prevent it from having any effect at all, since peace may follow

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almost immediately (although it rarely does so follow) the commencement of a war. If, therefore, it be undeniable that the President, with the advice and consent of the Senate, has power to make a treaty of peace available *ipso jure*, it is undeniable that he has power to repeal, by the mere operation of such a treaty, the highest acts of Congressional legislation. And it will not be questioned that this repealing power is, from the eminent nature of the war-declaring power, less fit to be made out by inference than the power of modifying by treaty the laws which regulate our foreign trade. Now, the President, with the advice and consent of the Senate, has an incontestable and uncontested right to make a treaty of peace of absolute inherent efficacy, and that, too, in virtue of the very same general provision in the constitution which the refinements of political speculation, rather than any known rules of construction, have led some of us to suppose excludes a treaty of commerce.

By what process of reasoning will you be able to extract from the wide field of that general provision the obnoxious case of a commercial treaty, without forcing along with it the case of a treaty of peace, and along with that again the case of every possible treaty? Will you rest your distinction upon the favorite idea that a treaty cannot repeal laws competently enacted; or, as it is sometimes expressed, cannot trench upon the legislative rights of Congress? Such a distinction not only seems to be reproached by all the theories, numerous as they are, to which this bill has given birth, but is against notorious fact and recent experience. We have lately witnessed the operation in this respect of a treaty of peace, and could not fail to draw from it this lesson: that no sooner does the President exert, with the consent of the Senate, his power to make such a treaty, than your war denouncing law, your act for letters of marque, your prohibitory statutes as to intercourse and licenses, and all the other concomitant and dependent statutes, so far as they affect the national relations with a foreign enemy, pass away as a dream, and in a moment are "with years beyond the flood." Your auxiliary agency was not required in the production of this effect; and I have not heard that you even tendered it. You saw your laws departing as it were from the statute book, expelled from the stronghold of supremacy by the single force of a treaty of peace, and you did not attempt to stay them; you did not bid them to linger until you should bid them go; you neither put your shoulders to the wheel of expulsion, nor made an effort to retard it. In a word, you did nothing. You suffered them to flee as a shadow, and you know that they were reduced to shadow, not by the necromancy of usurpation, but by the energy of constitutional power. Yet you had every reason for interference then, which you can have now. The power to make a treaty of peace stands upon the same constitutional footing with the power

to make a commercial treaty. It is given by the same words. It is exerted in the same manner. It produces the same conflict with municipal legislation. The ingenuity of man cannot urge a consideration, whether upon the letter or the spirit of the constitution, against the existence of a power in the President and Senate to make a valid commercial treaty, which will not, if it be correct and sound, drive us to the denegation of the power exercised by the President and Senate, with universal approbation, to make a valid treaty of peace.

Nay, the whole treaty-making power will be blotted from the constitution, and a new one, alien to its theory and practice, be made to supplant it, if sanction and scope be given to the principles of this bill. The bill may, indeed, be considered as the first of many assaults, not now intended, perhaps, but not therefore the less likely to happen, by which the treaty-making power, as created and lodged by the constitution, will be pushed from its place, and compelled to abide with the power of ordinary legislation. The example of this bill is beyond its ostensible limits. The pernicious principle, of which it is at once the child and the apostle, must work onward, and to the right and the left, until it has exhausted itself; and it never can exhaust itself until it has gathered into the vortex of the legislative powers of Congress the whole treaty-making capacity of the Government. For if, notwithstanding the directness and precision with which the constitution has marked out the department of the Government by which it wills that treaties shall be made, and has declared that treaties so made shall have the force and dignity of law, the House of Representatives can insist upon some participation in that high faculty, upon the simple suggestion that they are sharers in legislative power upon the subjects embraced by any given treaty, what remains to be done, for the transfer to Congress of the entire treaty-making faculty, as it appears in the constitution, but to show that Congress have legislative power direct or indirect upon every matter which a treaty can touch? And what are the matters within the practicable range of a treaty which your laws cannot either mould, or qualify, or influence? Imagination has been tasked for examples by which this question might be answered. It is admitted that they must be few, and we have been told, as I think, of no more than one. It is the case of contraband of war. This case has, it seems, the double recommendation of being what is called an international case, and a case beyond the utmost grasp of Congressional legislation. I remark upon it, that it is no more an international case than any matter of collision incident to the trade of two nations with each other. I remark further, that a treaty upon the point of contraband of war may interfere as well as any other treaty with an act of Congress. A law encouraging, by a bounty or otherwise, the exportation of certain commodities, would be counteracted by an insertion into the list of

contraband of war, in a treaty with England or France, any one of those commodities. The treaty would look one way, the law another. And various modes might readily be suggested in which Congress might so legislate as to lay the foundation of repugnancy between its laws and the treaties of the President and Senate with reference to contraband. I deceive myself greatly if a subject can be named upon which a like repugnancy might not occur. But even if it should be practicable to furnish, after laborious inquiry and meditation, a meagre and scanty inventory of some half dozen topics to which domestic legislation cannot be made to extend, will it be pretended that such was the insignificant and narrow domain designed by the constitution for the treaty-making power? It would appear that there is with some gentlemen a willingness to distinguish between the legislative power expressly granted to Congress and that which is merely implicit, and to admit that a treaty may control the results of the latter. I reply to those gentlemen, that one legislative power is exactly equivalent to another; and that, moreover, the whole legislative power of Congress may justly be said to be expressly granted by the constitution, although the constitution does not enumerate every variety of its exercise, or indicate all the ramifications into which it may diverge to suit the exigencies of the times. I reply, besides, that even with the qualification of this vague distinction, whatever may be its value or effect, the principle of the bill leaves no adequate sphere for the treaty-making power. I reply, finally, that the acknowledged operation of a treaty of peace in repealing laws of singular strength and unbending character, enacted in virtue of powers communicated *in terminis* to Congress, gives the distinction to the winds.

And now that I have again adverted to the example of a treaty of peace, let me call upon you to reflect on the answer which that example affords to all the warnings we have received in this debate against the mighty danger of intrusting to the only department of the Government, which the constitution supposes can make a treaty, the incidental prerogative of a repealing Legislature. It is inconsistent, we are desired to believe, with the genius of the constitution, and must be fatal to all that is dear to freemen, that an Executive Magistrate and a Senate, who are not immediately elected by the people, should possess this authority. We hear from one quarter that if it be so the public liberty is already in the grave, and from another, that the public interest and honor are upon the verge of it. But do you not perceive that this picture of calamity and shame is the mere figment of excited fancy, disavowed by the constitution as hysterical and erroneous in the case of a treaty of peace? Do you not see that if there be any thing in this high-colored peril it is a treaty of peace that must realize it? Can we in this view compare with the power to make such a treaty that of making a treaty of commerce? Are we unable

to conjecture, while we are thus brooding over anticipated evils which can never happen, that the lofty character of our country (which is but another name for strength and power) may be made to drop by a mere treaty of peace; that the national pride may be humbled; the just hopes of the people blasted; their courage tamed and broken; their prosperity struck to the heart; their foreign rivals encouraged into arrogance and tutored into encroachment by a mere treaty of peace? I confidently trust that, as this never has been so, it never will be so; but surely it is just as possible as that a treaty of commerce should ever be made to shackle the freedom of this nation, or check its march to the greatness and glory that await it. I know not, indeed, how it can seriously be thought that our liberties are in hazard from the small witchery of a treaty of commerce, and yet in none from the potent enchantments by which a treaty of peace may strive to enthrall them. I am at a loss to conceive by what form of words, by what hitherto unheard-of stipulations, a commercial treaty is to barter away the freedom of united America, or of any the smallest portion of it. I cannot figure to myself the possibility that such a project can ever find its way into the head or heart of any man or set of men whom this nation may select as the depositaries of its power; but I am quite sure that an attempt to excite such a project in a commercial treaty, or in any other treaty, or in any other mode, could work no other effect than the destruction of those who should venture to be parties to it, no matter whether a President, Senate, or a whole Congress. Many extreme cases have been put for illustration in this debate; and this is one of them; and I take the occasion which it offers to mention, that to argue from extreme cases is seldom logical, and, upon a question of interpretation, never is. We can only bring back the means of delusion, if we wander in the regions of fiction and explore the wilds of bare possibility in search of rules for real life and actual ordinary cases. By arguing from the possible abuse of power against the use or existence of it, you may and must come to the conclusion that there ought not to be, and is not, any Government in this country or in the world. Disorganization and anarchy are the sole consequences that can be deduced from such reasoning. Who is it that may not abuse the power that has been confided to him? May not we, as well as the other branches of the Government? And, if we may, does not the argument from extreme cases prove that we ought to have no power, and that we have no power? And does it not, therefore, after having served for an instant the purposes of this bill, turn short upon and condemn its whole theory, which attributes to us, not merely the power which is our own, but inordinate power, to be gained only by wresting it from others? Our constitutional and moral security against the abuses of the power of the Executive Government have already been explained: I will only add, that a great and manifest abuse of the dele-

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gated authority to make treaties would create no obligation anywhere. If ever it should occur, as I confidently believe it never will, the evil must find its corrective in the wisdom and firmness, not of this body only, but of the whole body of the people co-operating with it. It is after all in the people, upon whose Atlantean shoulders our whole Republican system reposes, that you must expect that recuperative power, that redeeming and regenerating spirit, by which the constitution is to be purified and re-integrated when extravagant abuse has cankered it.

In addition to the example of a treaty of peace which I have just been considering, let me put another, of which none of us can question the reality. The President may exercise the power of pardoning, save only in the case of impeachments. The power of pardoning is not communicated by words more precise or comprehensive than the power to make treaties. But to what does it amount? Is not every pardon *pro hac vice* a repeal of the penal law against which it gives protection? Does it not ride over the law, resist its command, and extinguish its effect? Does it not even control the combined force of judicature and legislation? Yet, have we ever heard that your legislative rights were an exception out of the prerogative of mercy? Who has ever pretended that this faculty cannot, if regularly exerted, wrestle with the strongest of your statutes? I may be told, that the pardoning power necessarily imports a control over the penal code, if it be exercised in the form of a pardon. I answer, the power to make treaties equally imports a power to put out of the way such parts of the civil code as interfere with its operation, if that power be exerted in the form of a treaty. There is no difference in their essence. You legislate in both cases subject to the power. And this instance furnishes another answer, as I have already intimated, to the predictions of abuse with which, on this occasion, it has been endeavored to appal us. The pardoning power is in the President alone; he is not even checked by the necessity of Senatorial concurrence. He may, by his single *fiat*, extract the sting from your proudest enactments, and save from their vengeance a convicted offender.

Sir, you have my general notions upon the bill before you. They have no claim to novelty. I imbibed them from some of the heroes and sages who survived the storm of the contest to which America was summoned in her cradle. I imbibed them from the Father of his Country. My understanding approved them, with the full concurrence of my heart, when I was much younger than I am now; and I feel no disposition to discard them now that age and feebleness are about to overtake me. I could say more—much more—upon this high question; but I want health and strength. It is perhaps fortunate for the House that I do, as it prevents me from fatiguing them as much as I am fatigued myself.

MR. RANDOLPH ROSE.—He said he was certainly very far from being among those, if any there were, who rejoiced in the personal indisposition

which deprived the House of the very ingenious, correct, and, he might add, able argument with which they had just been entertained. On the contrary, Mr. R. said, he had listened to it with very great pleasure, as a specimen of the powers of the human mind which he was not often accustomed to witness, even in this honorable House. But notwithstanding this display of eloquence, he was disposed to return to an opinion, which he had entertained when he first took his seat on Monday last, that this question was swollen by the strange, not to say injudicious management of it, to an importance which its real merits do not deserve. I give up to the gentleman from Maryland, said Mr. R.—I am told he is from Maryland—to his utmost fury and indignation, those fanciful and fine-spun theories which seem to interdict the Executive of the United States from negotiating a commercial treaty, or any other treaty whatsoever with any foreign power. On this point, sir, I agree with the gentleman altogether. I go with him the whole length, that it is competent to the President and Senate to negotiate a treaty of commerce, alliance, and subsidy, with any foreign power, from the greatest potentate in Europe down to a Chickasaw chief. The honorable gentleman will excuse me when I rise to declare that, howsoever I have been gratified in the display which he has made of his abilities, in one respect he certainly has disappointed me. The honorable gentleman will excuse me when I say he has not met the question. The question, said Mr. R., is not the competency of the Executive to negotiate commercial or other treaties, but its competency, in doing so, to repeal existing laws of the land, and enact other laws in their stead; in other words, the question is, the competency of the Executive to do by treaty that which can be done, as we contend, only by legislative acts. That is the question. If he understood the gentleman, Mr. R. said, he had declared that the bill before the House was not in execution of the treaty; that it contained no auxiliary enactments; that it was not necessary that the bill should pass at all; that it was a twin-brother of the treaty. If the gentleman had pursued his analogy with respect to laws and treaties, he would have found this second twin-brother worthy of being nurtured and brought to man's estate, instead of being treated as illegitimate and stifled in its birth; that this poor little twin, which came second best into the world, had not that fair division of the patrimonial estate which our laws provide; that it was, in short, to be put out of the way, that the Presidential heir may inherit and enjoy the whole estate. If this bill were necessary, then, the gentleman had said that the President and Senate had been guilty of a tremendous usurpation. How far this view of the question might bear on the ultimate vote of the House, Mr. R. said, he could not say; but it would bear very hard upon the President, if the vote should be to-day as it was yesterday. If the argument of the gentleman from Maryland were correct, unless his representations on this head should ma-

terially affect the vote of the House, that decision would bear hard on the President and Senate. But a few minutes before the gentleman had delivered his sentiments, the Senate themselves had in open court plead guilty to the charge of usurpation; for they had sent down to this House a bill, either something or nothing, which, if any thing, had pronounced their usurpation. If the treaty were what the gentleman contended *ipso facto* the law of the land, the bill which the Senate had sent down was mere surplusage. We do not deny, said Mr. R. that a treaty, the ratifications being exchanged, has existence without the sanction of this House—at least I do not deny it—and I am responsible for no man's opinions but my own, glad enough at times if I were irresponsible for them—but I do contend that a treaty does not deprive this House of one jot, one tittle of its legislative and constitutional authority. I am not, in the language of the learned doctor of laws in Padua, to Shylock, "take thou the pound of flesh, but not one jot of blood;" I am not for giving to the President and Senate the treaty-making power, and then denying to them the use of it; but I am for giving to them all the power, and all the influence which they ought to have in the Government. Whilst the gentleman from Maryland was thinking on the responsibility of the President and Senate, why did he not reflect on our own? Go we not back to be pressed—I hope not to be oppressed—by laws of our own enactment. If the President and Senate go back to the community, to receive their approbation or condemnation—I speak of the theory, of which I may say *odi et arceo*—for I have long lost my faith in theories, and in theorists too. If the President and Senate feel their accountability to the people, how much more are we amenable to them, when we return with the same responsibility, and at shorter periods to our constituents? If there be any truth in the old adage, that short accounts make long friends, we shall stand on as good footing with our neighbors as some Presidents who have retired to private life. Our responsibility is greater than that of the President and Senate. What is the responsibility of a man who is to retire after a service of eight or ten years, to palaces which he has built with the plunder of his country; of a man who has enriched his relatives by a species of nepotism, and surrounded himself with a society of his own; who can be content to sit down with infamy in private life, provided his bags are swelled to distention, and his appetite pampered with delicacies which habit has made necessary to his enjoyments? But granting the argument of the gentleman from Maryland, deeming of the responsibility of the President as he deems, we would make assurance doubly sure, and take a bond of fate for the correct discharge of the Executive functions in this respect. The gentleman from Maryland had said, that if the doctrine supported by the friends of this bill were sound, this constitution was an anomaly in Govern-

ment. It is so, Mr. R. said, and he was surprised to hear it found out to-day as if for the first time. It is an anomaly; happy for us that it is, and long might it continue so!

The gentleman from Maryland had said, if the sanction of this House became necessary to carry a treaty into effect, it was not only in their power, but it was their duty to pass a bill for that purpose. Mr. R. said he would grant the gentleman his position with a small modification; he would grant it if the gentleman would add a proviso, that the provision of said treaty did not betray the great interests, liberties, or rights of the nation. The gentleman had put the case of a definition of contraband by treaty, as being paramount to a law of Congress encouraging the culture of the article declared to be contraband; a case which would, according to his humble judgment, Mr. R. said, better suit a court of admiralty than a legislative hall. But he ought, he added, to be obliged to the honorable gentleman for having taken into his argument an idea which Mr. R. had yesterday endeavored to embody in his own; for, he said, taking the very case the gentleman had put, there could not be a stronger selected to prove that his general argument was untenable. Suppose the Executive were to make a treaty, in which tobacco, rice, and cotton, were declared contraband of war, to which he might add breadstuffs, butter, salt beef, onions, and notions of all sorts; would not this treaty require legislative enactment to carry it into effect; or would it, like a treaty of peace, require no intervention on the part of this House? It would have that effect, perhaps, in a British court of vice-admiralty at Halifax, Providence, or Bermuda; but did the gentleman in his heart believe that such a treaty could become the law of the land on the instant of its promulgation? It could not stand; the breath, the tempest of public indignation, would in an instant sweep it to eternity; it would go to the tomb of the Capulets. The gentleman demands of us, said Mr. R., to exorcise the treaty; to question it, whether it brings with it "airs from Heaven or blasts from Hell;" whether its "intent is wicked or charitable." The treaty, Mr. R. said, came to him in a most agreeable shape; he was disposed to ratify it by legislation; and, if legislative enactment were not necessary, whence the bill which had passed to its third reading in this House; and whence the bill from the Senate? If a treaty were of that pervading force, that, like mercury, it searches the remotest parts of the constitution, why the bill which in this House had progressed so far, and which he hoped would pass the Senate, whatever imputation, according to the gentleman's argument, it might cast on the Executive of rank and tremendous usurpation?

For his part, Mr. R. said, he was extremely sorry that this should happen to be the only occasion, which had come within his cognizance lately, in which, according to the illustration of the honorable gentleman from Maryland, the

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House had refused, like the clerk in the church, to make the appointed responses to the minister. Mr. R. said he was not one of those who would construe this occurrence into any imputation on the majority, any more than on the minority of the House; for it happened to be a two-edged sword—it cut as much upon the right hand as upon the left, and as much upon the left hand as upon the right. One side, he said, maintained its consistency, because it cost them nothing, and the other side of the House maintained theirs for the same reason. We are each and all of us, said he, maintaining our consistency, and on the best possible terms—for it costs us nothing. The bill before us gives no power; it takes none away—it bestows no praise, it conveys no censure, except what may be inferred from the argument of the honorable gentleman. Mr. R. wished, he said, that in the future progress of their deliberations, the consistency of one side of the House might be equally maintained; he wished that the spirit of the administration of Thomas Jefferson, of the first Congress assembled under his administration, might be maintained by the majority of this House of the present day—even if the minority should, for the sake of consistency, be obliged to take the other side, and load the country with debts, taxes, armies, and navies, and all the constituent elements of Federalism, under the name of Democracy. Yes, Mr. R. said, he wished that the consistency of one side might be maintained, even at the expense of consistency of the other—but, he believed he was travelling a little out of the record. To return to the question.

Mr. R. said he would suppose that this commercial treaty had stipulated that a duty, not exceeding a certain amount, should be imposed by the two contracting parties on certain manufactures, peculiar to ourselves only, and operating therefore on us exclusively. Could there be a doubt that this House would refuse to carry that treaty into effect by passing laws laying the necessary taxes, and would leave it to Great Britain, if she chose, to make it a cause of war with us? Have not this House the power, and would they not use it, of carrying such a treaty into effect; or, if it seems good to them, to refuse to carry it into effect, leaving it to the option of the other party to make it a cause of war or not? But, the gentleman had said, grant these doctrines to be correct, and we are the most unfortunate people under the sun—we could have no treaties! Was there any fear, Mr. R. asked—was the theory of our Government so little understood, and the practice so much forgotten, that it could be supposed there would ever be wanting in this House a proper degree of deference (he would not say an improper degree of deference) to the wisdom and counsels of the Executive? Let us suppose it possible, however, said Mr. R., that we should be placed in this unfortunate situation; that it should not be in our power to make a commercial treaty with any people under the sun—I

believe the sun would still shine as bright, and the grass grow as green as ever. Are we, sir, to suppose, in this young country, that all diplomatic skill resides with us—and go abroad a treaty-making as Hudibras and Don Quixote in quest of adventures, expecting to gain all the advantages and receive no blows in return? No two knights, Mr. R. said, were ever more woefully mistaken; but not more than we should be, entertaining notions equally absurd. No, said Mr. R., if we make a treaty with any people under the sun, we must give a *quid pro quo*, and must always expect to give more than we get. It had been, he said, a maxim in Great Britain before the separation of the United States from that Government, and it was a maxim yet, that whatever she had acquired by the valor of her arms, she had lost by negotiation. The last treaty of Paris might form an exception to the general rule, but, like all exceptions, it would only prove the rule. The circumstance he had referred to grew out of the form of the Government of Great Britain. As the form of our Government is more popular than hers, our proceedings more public, and as we are equally liable to that state of faction which is the shadow of liberty, and proves the substance to exist, until it shall be put down by the strong arm of military despotism—whatever we get abroad we may expect to pay for. We must pay, and dearly too, Mr. R. said, for any advantages we should obtain from those wily kings and ministers abroad, who glory in diplomacy, which is but another name for duplicity. After the treaty of 1783, he said, we sent ministers abroad a treaty-making with every power that would treat with us, by way of trying our manhood—we had just come of age, taken our affairs into our own hands—he had known many young heirs try their skill in making bargains with their more wary neighbors, until they bargained away their whole estate. To such, perhaps, it would be no injurious restraint if they were debarred the treaty-making power until arrived at years of discretion. We shall get nothing at all from these foreign nations, he assured the House, without giving therefor a full equivalent.

The honorable gentleman from Maryland had stated, that if the President and Senate had not the power to make a commercial treaty, and that treaty when made did not instantly become the law of the land, then the President and Senate have the power to make no treaty—and yet the gentleman had furnished in the course of his own argument an instance in direct contradiction of this position—that is, a treaty of peace, which did not in any shape require the sanction of this House. The Treaty of Peace, then, is an exception to the necessity of the intervention of this House to carry treaties into effect; and it might be said that a naked treaty of peace—"let there be peace, and there was peace"—was almost the only treaty which could be negotiated, that did not require the consent of this House. Under the old Confederation, however, it was said Congress had

made an alliance with France. This, Mr. R. observed, was a strong case for the gentleman's argument—for it might be said, if the old Congress, confessedly inferior in power, possessed the right to make a treaty of alliance which had been near involving us in the vortex of the French revolution, *a fortiori* the President and Senate now ought to have the power. He agreed to the force of this argument, if for President and Senate the Government was substituted. This brought him, he said, to the old opprobrium of legislation, that the question started is seldom the question run down—the question was, do the President and Senate possess the power, exclusive and independent of the legislative power, to bind the people in all cases whatsoever, and to make treaties paramount to all law? That was the point—that was the gist of the question—there the argument rubbed.

If, instead of a treaty of commerce, the treaty now under consideration had been a treaty of alliance and subsidy, could the troops have been raised or taxes levied without the intervention of the legislative authority of this House? Mr. R. said they could not; and he had understood the gentleman also to admit this. What, then, was the amount of the difference between the gentleman and himself? It was this: that Mr. R. contended this treaty, being, in his opinion, one requiring legislative enactment to carry it into effect, this House was to exercise its legislative power in this respect under a sound discretion, and a high responsibility for the public good. It was not, in Mr. R.'s opinion, a sound construction, because it was competent to the President and Senate to make a treaty of peace, that they could repeal or modify a law laying a tax. Miserable indeed would be the condition of humanity, if the power to put an end to the calamities of war could not be entrusted to them; and, by the way, Mr. R. said he had no hesitation in saying, that with all the pride, and consequence, and airs that the Government had given to itself, even in this Treaty of Peace, in that simple agreement, "let the conflict cease," our adversary had got a fair and full equivalent, for she got full as much as she gave.

The President and Senate may restore the relations of peace it had been argued. Might they therefore, Mr. R. asked, repeal all the laws of the land by treaty? But it seemed the President and Senate were controlled by public opinion, and that was a sufficient check—alluding, he supposed, to the press, the great battery of public opinion. Why, then, had it not been said in the constitution, let there be a public opinion, and all is safe; it is enough for us if the acts of our rulers may be freely canvassed. I believe, said Mr. R., that our rights and liberties are safe, but in a very different repository from that referred to—in the State Legislature, in the bosom of the free yeomanry of the country, asserted by their muskets and their rifles, and never yielded unless cautiously and

warily attacked, unless the ground be broken at a vast distance from the sentinels of public liberty, and the approach secretly made.

Was the sanction of the House necessary to carry this treaty into effect? It was, or it was not; if it was, the President and Senate had been guilty, it was said, of gross usurpation. But the gentleman from Maryland had acknowledged that as there are treaties which are self-executory, there are others which require legislative enactment, and which the aid of the House is required to carry into effect. A treaty of peace, by merely restoring the relations of peace and amity, Mr. R. said, did execute itself. But was it so with a treaty stipulating that duties should be taken off or laid on, or both? The analogy between a treaty restoring the relations of peace between this country and another, and other treaties, cannot be brought in aid of a treaty which is not self-executory, which does require legislative enactment to carry it into effect, as proven by the vote of this House yesterday, and the vote of the Senate to-day, [referring to the bill passed by the Senate declaring the effect of the treaty.] Mr. R. said he could conceive a case in which even a treaty restoring the relations of peace and amity between the United States and another nation, might be received in this House as a breach of national confidence, which the House would not endure. As he liked to bring every case which he presented to this House as near the reality as could be, to liken it to something which had happened, or was very likely to happen, he would take a case which might have happened between the United States and France. It was well known, Mr. R. said, that a very large description of people in the United States, at the breaking out of the French revolution, had been anxious to plunge the United States into a war with Great Britain and her allies; and it was contended that the public faith was pledged to guarantee the safety of the French West India Islands, &c. The demand of our aid had been made in a much more sacred name than that of a sugar island—in the name of the imprescriptible rights of mankind; the liberty of the world was said to be in jeopardy; the tyrants of the world, it was said, had conspired against liberty, and we ought no longer to withhold our aid. Mr. R. said he hoped no member of this House, nor the most worthless scribbler out of it, would understand him as imputing censure to those who felt thus ardently. By the wisdom of that man who alone, at that juncture, could have held the reins of empire, who alone could have reined in the public madness, by his wisdom we had been saved from being involved in the vortex of that tremendous comet, which

— From his horrid hair
Shook pestilence and war.

Every patriot, not the pseudo patriot, not he who wishes to ride on the surface of the billow, inflated by his own breath—every real patriot

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approved and honored his conduct. Suppose, instead of standing in opposition to the feelings of the day, reversing the old adage, *Quicquid delirant reges, plectuntur Achivi*—suppose General Washington had let slip the dogs of war, hallooed them on, and engaged in that war, which was terminated by the truce of Amlens—or suppose General Washington, as was the fact not long after, had been removed from the councils of his country, and succeeded by a gentleman of different political opinions, and that the first act of the new President had been to patch up a treaty of alliance with the allies, Great Britain particularly; such a treaty as would inevitably, whilst it kept peace with England, have produced war with France; would the people of America have endured this? Mr. R. did not think they would. Such was his opinions of the public sentiment of hatred to Great Britain and predilection to republican France, which then existed, that he believed this House, instead of carrying the treaty into effect, would have been made the means of compelling peace with France, and renewing the war with Great Britain. He would take another precedent, however, from a Government, the constitution of which was not anomalous—a case anterior to the Revolution which, according to the fond idea of British jurists, had fixed the liberty of England on an imperishable foundation; he would take a case from the most corrupt reign of the most corrupt family that perhaps God ever permitted to afflict the world—a case from the days of the Stuarts. He averred it as a fact, and all history, he said, would bear him out in it, that the last of the Stuarts lost his throne in consequence of his subserviency to a foreign power, which foreign power was the object of the suspicion, deadly hatred, and fear of the nation he governed. He did aver that the Dutch wars of Charles II.—that base and rotten policy laid open more than a century after that wily man thought the evidence of it buried below the caverns of the deep, would have lost him his crown, if he had continued to reign. James II. was little else than the successor in form of Charles II.; and James II. lost his crown as Charles II. would, in the end, have lost his, by making treaties against the wishes of the people, with a foreign power most obnoxious and hateful to the British nation, &c. If such was the case in England, how much more strong is the argument that in this country the President and Senate should never make any treaty, particularly one which requires legislative enactment to carry it into effect, without the previous or subsequent consent of this body.

Mr. R. said he would trespass on the committee only by a few other remarks. He was, he hoped it was unnecessary to say, no draw-cansir. He was for peace and good will among men. He understood the honorable gentleman from Maryland, when dwelling on the effect of the power of impeachment, which he (Mr. R.) believed would have as much effect on great delinquents as a feather or a flake of snow on the

impenetrable hide of a rhinoceros—he understood the gentleman to say, in allusion to a remark that the power of impeachment had been tried and found wanting, that the fact did not necessarily imply—as the honorable gentleman on whom it was tried would have said, it was a *non sequitur* to urge, that the power of impeachment was nugatory. I grant it, said Mr. R. As little versed as I am in dialectics, as little of a logician or methodist in argument as I am, I am willing to admit that it does not follow, because a felon is acquitted, the law is inefficient, because the acquittal may have arisen from a defect in the evidence, in the law, or in the administration of the law; it may have arisen from another cause, which I would be the meanest and basest of mankind to admit, or it might have arisen from the defect of talent in the prosecuting attorney; and that is one of the crying sins of this nation, which calls loudly for reform. Daily and hourly are felons acquitted because they can give heavy fees to lawyers of great abilities, who know how to make the worst appear the better reason, in the courts at least; while the Commonwealth is content to have its business let out to the lowest bidder, and its judicial business is managed, I will not say in the same manner, but not always well. I do aver that I should be wanting in respect for the gentlemen with whom I was associated on that occasion if I admitted that the innuendo, if I am to understand it as such, of the honorable gentleman had any application to them. I have not the slightest indisposition to admit that it may have application to one, but I believe I see in my eye a much more substantial reason for the acquittal in the case alluded to than the want of ability with which the prosecution was conducted. Mr. R. saw in the ability of the defence of the accused at least as probable a cause of the acquittal as the one which had been mentioned. But, it was really paying to the highest court in this nation a very poor compliment. What, sir! our most potent, grave, and reverend seniors—our very noble and approved good masters—if the doctrine of the gentleman be correct, that what they approve we must ratify—what, sir! the Senate, on the evidence of at least fifty witnesses not capable of making up an opinion on a question presented to them! The acquittal in that case was referable, not to the want of ability on the part of some of the gentlemen at least. Let us look back, said he; one of those gentlemen has since filled the office of Secretary of the Treasury. What, sir! a man placed at the head of the Treasury not capable of conducting an ordinary prosecution in a court of justice. I will never admit an insinuation of that sort to wound the fame of one of my colleagues on that occasion. Another one is now a judge of the Supreme Court, civil and criminal, of the State of Maryland. Was he not capable of summing up the law and evidence in such a case? I will not admit it. Another of the managers of the impeachment has since illustrated the government

of Georgia. He has displayed an independence which does him honor with all feeling and independent men. Was he not capable of speaking to an ordinary case before a court? I cannot admit it. No; the acquittal took place, because the constitution requires, and wisely, as in the case of a treaty, the assent of two-thirds of the court to the condemnation of the accused; and the assent of that two-thirds was not found in the case of impeachment—alluded to, while it never has been and never will be found wanting to the ratification of any treaty which the President may negotiate. Mr. R. said he had received a lesson on that subject which it was not necessary now to repeat. He meant not to tell the secrets of his prison-house. In the year 1800, he received a lesson, which if he was not better, he trusted he should be wiser for to his dying day, touching the nature of the initiatory and ratifying branches in relation to treaties.

One word more, Mr. R. said, and he had done. He wished he had followed the example of the honorable gentleman from Maryland in one respect, incapable as he was of following him in any other. He wished that he too had taken his leave, and sat down when he found his strength exhausted. He had thought it better, however, to finish what he had to say at once, and then to dinner, with what appetite we may. The gentleman had made one statement he wished to notice; that the treaty was a treaty or no treaty; that the ratifications being exchanged, it was law or not law. It is a law in those respects not requiring the intervention of Congress, but it requires legislative provisions, because it requires duties to be lowered or raised, which is equivalent to requiring an appropriation or the imposition of taxes, powers acknowledged to belong exclusively to Congress. What faith, the gentleman asked, could be put by foreign powers in compacts with the Government, if a treaty may be rendered void after its ratifications are exchanged by the refusal of this House to act on it? There was the widest difference between the possession of a power, and the expediency of exercising it. Suppose a treaty should have received every possible sanction—that of this House included—we still have at any time a right to break it off, without consulting the other party, and go to war. A nation puts faith in other nations, not because of this or that form of Government, this or that check, or this or that balance in the operations of a Government, but according to its conviction of the disposition of other nations to maintain their faith. By that criterion, by that standard of character, ours is at least as good as sterling, and, he believed, a carat better. Great Britain put faith in us for the same reason we put faith in her—tempering our faith—for though scepticism be damnable heresy in religion, it is sometimes otherwise in politics—tempering it with a proper degree of distrust on both sides. If we put faith in a single individual at the head of a Government, as in the case of treaties with

European Powers, how much more reason have they to put faith in the guarantee afforded by the pledge of every branch of a Government like ours, representing the whole people of the United States? Before the Prince Regent in England can violate a treaty, and make war, he must be supported by a vote of credit from the House of Commons; this is some restraint on him; but we have made treaties with the deserts of every clime and color, from the Nile and rose of the North to the jet black of Africa; and yet we are under no sort of doubt that these high contracting parties will adhere to their faith so long as they feel it their interest to do so. It, then, at last turned out, that foreign nations had nothing at all to do with this question; that whether the ratifications are exchanged properly or improperly, was an affair between us at home, with which foreign powers could not be permitted to meddle; and, Mr. R. said, if he was asked for a just cause of war, he could figure to himself none better than an attempt by any foreign power at intervention in our affairs. This treaty of commerce gave us leave to trade to the East Indies, and to touch at St. Helena. In that shape it came to the United States, and was ratified here by both Governments—how? In the shape in which it came? No. The very lowest grade of diplomatic functionary, he spoke of his office only—put his finger on one article, and said, beware of St. Helena. A Minister of Great Britain can take a treaty, and make a nose of wax, or any thing else he pleases of it; but the House of Representatives of the United States are to have no word in it. He asked, whether it was competent to a British Minister after a treaty had been solemnly signed under the eye of his own master, materially to alter the provisions of a treaty?—and the alteration was a material one, because the comfort and refreshment of touching at St. Helena was a matter of some consequence in an East India voyage. It was of little consequence, he said, to us, who should be soon dismissed to a good hotel and smoking table; but to the poor scorbutic seaworn sailor, it was of great value. Was it safer for this House to exercise a controlling power on the acts of the President and Senate, so as to meet the coming disease; or that it should be entirely restrained from interfering, and the President and Senate go on making treaties until an extreme case, when the people would interfere and correct the procedure? Mr. R. said he was no Jacobin; he hoped it was unnecessary to say that. He was no man for a Government of mobs, but of order, law, and religion; but, he said, there are points beyond which the people cannot be restrained; or should we rather let the President and Senate go on, provided they can find a Dey of Algiers to treat with; provided they can find a place to stand on until they make this sweeping treaty-making power a fulcrum to move the constitution from its orbit? Mr. R. concluded by observing that the Senate had sent a bill to this House; a bill which he

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considered as yielding the question, and on which it would perhaps be best to act in preference to that now before the House.

Mr. PINKNEY rose to explain—to make a few observations which he said he should have made before, but that he had understood the gentleman to wish not to be interrupted. Mr. P. said that he thought he need not state to the House that his language had not been liable to the exception which the gentleman from Virginia had shown a disposition to take to it. The gentleman had said that impeachment had been tried and found wanting; in reference to which remark he (Mr. P.) had said, that the example to which the gentleman had referred was not conclusive in support of that position; that impeachment might fail from various reasons; that the party impeached might be innocent—into which question he had not entered. Mr. P. said he was almost wholly unacquainted with the nature of either of the cases. His language was not liable to the imputation of having sought to reprehend the conduct of the gentlemen who conducted either.

The gentleman had said that he is no draw-cansir. Neither am I, sir. I should not have desired to reflect on the gentleman from Virginia; far from it; I am always disposed to speak in his praise; he has given such proofs of his genius as command my respect. But if I had a desire, which I had not, to cast a reflection on him, what reason was there to suppose I had a desire to do so on those, some of whose names I do not know? I supposed that the House of Representatives had selected men of the first ability, always as competent as any lawyer, to conduct the impeachment. I take it for granted that the impeachment was managed with the utmost dexterity and talent. All I meant to say was, that the failure of that impeachment did not prove that impeachment would always be found wanting. In the case expressly alluded to (that of Judge Chase) I presumed the innocence of the party. This explanation is due not only to the honorable gentleman to whom my remarks apply, but to my own honor and character.

Mr. RANDOLPH expressed his happiness at hearing the remarks of the gentleman from Maryland. The gentleman, he said, had misunderstood him in supposing him not to be disposed to allow the gentleman to explain; from his not having done so, Mr. R. confessed he had considered him as sustaining the inuendo. He reciprocated the sentiments of respect, &c., which the gentleman had expressed, &c.

During the discussion, the bill was received from the Senate, which is noticed above.

Mr. FORSYTH stated the reasons why he hoped, notwithstanding the receipt of the bill from the Senate, that the bill now before the House would pass, as, according to his view, the Senate had, by passing that bill, attempted to evade the question before the House.

The question was about to be put, when Mr. STANFORD having intimated his desire to speak

on the question, on motion, the House adjourned.

THURSDAY, January 11.

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The bill from the Senate concerning the Convention between the United States and Great Britain, ratified on the 23d day of December last, was taken up, and read the first time.

The question being stated, "Shall the bill be read a second time?"—

Mr. ROBERTSON wished to have again tried the question of laying the bill from the Senate on the table, but the Speaker decided such a motion not now to be in order. Mr. R. then remarked, that this was a question of much importance, and he hoped no passion would intermingle in its discussion, or influence the decision of it, which, whatever it might be, ought to be the result of cool, deliberate consideration. He did not consider the act of the Senate, in sending this bill to the House, as indecorous, but as a proper exercise of their powers. However, it again brought up the whole question, and, with the permission of the House, he would concisely examine it. I was delighted, said Mr. R., with the eloquence of the gentleman from Maryland, (Mr. PINKNEY.) I was pleased with his lucid and fair manner of meeting the question, but I was shocked with his principles. I never did hear, I never did expect to hear, within these walls, principles so dangerous as those to which the gentleman has boldly, I was about to say daringly, given utterance. The treaty-making power, according to his doctrine, is without limit; it is without restraint; prostrates before it all the rights of this House, and tramples under foot opinions heretofore held sacred. Whatever treaty, of whatever kind, fall within the powers of any civilized Government, it is competent to our President and Senate to form; if the instrument be in itself complete, if it merely annul and abrogate laws, this House cannot interfere; thus the whole of our statutes, the entire code of our laws, lies at their mercy, and may, with the aid of any foreign sovereign who will unite in the scheme, be forever annihilated. Such is the doctrine of the gentleman from Maryland. Whence does it spring; how has it been supported? Let us probe it to the bottom—let us examine it with deliberation. Where is the legislative power in this Government vested by the constitution? This is the sole and simple question; if it be not the only point in controversy, then my lips are closed—I have nothing more to say. If the President and Senate can make treaties, without repealing existing laws or making new ones, why let them do so—let them treat, and treat, and treat; they will not alarm my fears; I shall feel no concern. There may be, for any thing I know to the contrary, many treaties which do not necessarily include legislation; there are treaties of alliance, triple and quad-

rupture, treaties of neutrality, partition, family compacts, &c.; give them up these; on these, and such as these, they may exercise their treaty-making power. But let them not legislate. There are bounds to this authority, as claimed for them. The legislation of Congress is defined and limited by the constitution, but treaty legislation has no bounds. The President and Senate, with the aid of a few commissioners and a foreign sovereign, an Emperor or a King of France, a Lord Castlereagh, or any other despot, may govern this people without check, or control, or responsibility. They may—the gentleman from Maryland says they can. They can legislate, although all legislative power is vested in Congress, consisting of a House of Representatives, Senate, and President. They may regulate commerce, although the right to regulate commerce is given to Congress; they may draw money from the Treasury by law, for a treaty is a law. Look to the general powers of Congress; look to the specified; look to the limitations imposed upon that body; leave out this House, substitute a foreign Government; their general powers are usurped; their specified powers taken from them; the limitations imposed for the good of the people utterly disregarded. The President and Senate—let them not legislate; it is the proudest, it is the only prerogative of republicanism. Legislation and representation in free Governments go hand in hand. They are not representatives—they are not responsible. The gentleman from Maryland says they are more responsible than members of this House. How stands the fact? The President is elected for four years, the members of this House for two; but as, under the practice of the constitution, the Chief Executive Magistrate serves but two terms, the last is without a shadow of responsibility; he does not present himself at the bar of the public, to receive sentence of approval or condemnation. But the President is liable to impeachment. Indeed! impeachment? Yes, to be tried by that very body who advised the ratification of the instrument; to be tried by his accomplices! I ask the gentleman from Maryland if he would make himself laughed at by every man, woman, and child in the community, by bringing about so futile and farcical an exhibition? We see, then, the responsibility of the President; let us examine that of his compeers. The Senators are appointed for six years; not by the people, but by some dozens of individuals who form the State Legislatures; they are not impeachable, if that were in this case of any importance, neither are they amenable to censure, because they transact their Executive business with closed doors; they act in private. No one knows how any Senator votes, he is the sole depositary of his own secret—he votes and speaks as his caprice, his interests, or his judgment dictates—he fears no punishment, for his course is hidden; his Executive powers are exerted in conclave—mark the word, *Executive* powers—would it be believed, that in the Unit-

ed States of America laws were repealed and enacted in the exercise of Executive business! Why, what an anomaly is this Executive-legislative management!

The gentleman from Maryland goes the full length. If the treaty merely repeals laws, if it require not the aid of this House, the instrument is complete—the deed is done; but if, and according to his doctrine, it can never happen, it requires some act of ours; then we have no discretion, we receive orders and must obey, if, after the stabs inflicted on this body, animation still exist. The gentleman tells you to raise your suicidal arm and perpetrate self-murder! worse, your parricidal arm, and plunge a dagger in the bosom of your country, for the Republic no more survives! It contains not one single feature to distinguish it from the despotisms of Europe. If this doctrine prevail, and that equally abominable principle which authorizes the judges to declare the little remnant of your legislation null and void, because, in their opinion, unconstitutionally exercised; hemmed in thus by the Executive and the Judiciary, there is no further use for this assembly. If the Legislature, the pre-eminent authority in all free Governments, be thus blocked up, thus circumvented, and that, too, by comparatively insignificant departments—departments inferior, subordinate, ministerial, then I have no hesitation in saying that I should not regret the flames that blazed around that once splendid edifice now in view, nor that a similar fate should befall this humble building in which we this day are met; for one, I would not disgrace myself by holding a seat in this degraded and miserable body.

The gentleman from Maryland contends that whatever treaty may be made by any power on earth may be made by our President and Senate; that when made it becomes the law of the land; that in this respect their power is universal and unlimited. In what respect? In making treaties which are the laws of the land; in other words, that the President and Senate can make laws of the land on all subjects, and that, too, without limitation? Surely nothing more is necessary than to state such doctrines to make them universally abhorred. But to deny their truth, is, according to the gentleman, to produce the most extravagant anomaly imaginable in the constitution. Is it not rendering the Constitution of the United States a more extravagant anomaly to strip the Legislature of the right to legislate, and transfer the law-making power to the Executive? If one must yield; if the President and Senate must be retrenched in their treaty-making power, or Congress deprived of the right to legislate, then is there no room for hesitation. Difficulties in regard to intercourse with foreign Governments can only embroil us with them; but an interference with the rights and duties of Congress prostrates the only barrier between the people and despotism, and embroils them with each other. Let us preserve the Union, the constitution,

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principles of republicanism, and the privileges of this House; let us guard against the introduction of slavish and European notions of Executive supremacy, and we have nothing to fear from the hostility of a world in arms.

Mr. WRIGHT spoke as follows: Mr. Speaker, I must beg the indulgence of the house, while I deliver my opinion of the bill now under consideration; not, sir, because of the effect of the bill—for it effects nothing but the affectation of continuing a treaty already proclaimed the supreme law of the land—but because I feel it my duty to endeavor to keep the respective departments of the Government within the limits prescribed to them by the constitution; nor could I suffer even my own impressions of expediency, much less that of others, to operate on my mind in the consideration of a constitutional question. Sir, we are not sitting to frame but to execute the instrument, agreeably to the true intent and meaning of the framers of it, by which every honorable man must feel himself bound as in the construction of any other compact.

Sir, this constitution must be considered, as it was made, a compact among the several States, and its various provisions, as they may operate in favor of the larger or smaller States, as mutual concessions and compromises, for the vast advantages gained by the whole United States by their confederation in one Government.

It is an instrument that has passed the Rubicon, and been ordealed by the scrupulous investigation of its merits in the convention of the States that ratified it; and, sir, could I believe in political inspiration, I should readily ascribe its perfections to that influence. By the second article, second section of the constitution, "the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur;" and he shall nominate, and by and with the advice and consent of the Senate, appoint Ambassadors, &c. By virtue of this power, the President, by and with the advice and consent of the Senate, two-thirds of the Senators present concurring, made and ratified this treaty between Great Britain and the United States, and the President has caused the same to be promulgated by proclamation; after which, it is now proposed to be confirmed by the bill under consideration. And it is contended by gentlemen on this floor, that, as by the first article, eighth section, it is provided, "that Congress shall have power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes;" that, therefore, they have a controlling power over any treaty relating to commerce with foreign nations.

Sir, the treaty-making power is a sovereign power; in Europe their Kings enjoy it without control; here it is vested in the President and Senate. The Senate represented the sovereignty of the States; and the sovereignty of the

States, like all sovereignties, are equal, and, of course, correctly equally represented. The renowned Emperor of Russia possesses no greater degree of sovereignty over his vast extended empire than the ruler of the most petty power of Europe over his dominions. This equality of power in the States in the Senate, was intended to secure the sovereign rights of the smaller States from the oppression of the larger, and was one of the compromises before alluded to; and I have no doubt the vote on this question will test the necessity of provision, and the justness of the jealousy of the small States, and the propriety of guarding them in the Senate, from the overwhelming power of the large States on this floor, where four States can control the Union, and who are now endeavoring to invest themselves with a concurrent power with the Senate in the formation of commercial treaties.

Sir, while I shall advocate the exclusive power of the President and Senate to make commercial treaties in manner and form, as they have in this case exercised it, I shall not deny to Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes. The treaty-making power relates to international subjects. Treaties are compacts between Sovereign and Sovereign, relying for their execution on the good faith of the contracting powers. Laws are rules of conduct prescribed by the legislative power for the government of the citizen—are national acts, to be enforced by pains and penalties, and executed by municipal authority. The treaty-making power then necessarily relates to the interest of two powers, and must relate to international subjects. The legislative power can relate only to subjects national and municipal, and be executed by the officers of the Government, whose jurisdiction is bounded by all the United States; hence results the impracticability of legislating internationally, or of treating nationally. No nation can treat with itself, or legislate for another nation. Congress cannot appoint Ministers to treat, nor can she treat as a Congress; but Congress can and must regulate commerce, by fixing the tariff of imposts, the rate of tonnage, and the allowance for drawbacks. This they have done, and this they alone have the power of doing. The treaty-making power have the right, by treaty, to stipulate with a foreign power, that the same regulations of impost and tonnage, and of drawbacks, which Congress have or may impose on ships and goods, the property of the citizens of the United States, coming into our ports, should be imposed on the ships and goods of the subjects of Great Britain, if they shall enter the ports of the United States, provided they will make the like stipulations in favor of our ships and goods, entering the ports of Great Britain. If there be no commercial treaty with the power whose ships and goods shall enter the ports of the United States, the regulations of imposts and tonnage, made by Congress, must be the

rule by which such ships and goods must be governed, and be collected by the officers of the United States, appointed for that purpose. But, if a compact, international, is made, giving to each other the right to import into the ports of each other, upon the same terms that their own ships and goods enjoy, and that compact be made by the treaty-making power, giving a reciprocal benefit to the contracting parties, it must be obligatory, or there can be no power to treat. I ask, if the treaty-making power agrees with Great Britain, that the same imposts and tonnage which Great Britain imposes on her own ships and tonnage, coming within the ports of Great Britain, shall also be imposed on the ships and goods of the United States, entering British ports whether that treaty is not binding on the United States, and whether Congress can, by any law, interfere with such compact, and whether such international act was ever intended to be considered as one of the powers of Congress to regulate commerce with foreign nations; and can it be that the treaty-making power can make such compact with England clearly within the exclusive treaty-making power; and not be authorized to give the like privilege to the British ships and goods, as the remuneration for their grant in the treaty to our ships and goods? Can it be that the framers of the constitution intended to authorize the treaty-making power to make a compact with a foreign power, for commercial benefits, and restrain the treaty-making power from remunerating such power for such benefits? I presume not; and if the stipulation shall be, that the same exact commercial advantage shall be enjoyed by Great Britain in America, as Great Britain extends to America in England, can any man doubt that such compact is just, constitutional, and conclusive? Can it be that the right to stipulate what should be the international regulation of the imposts and tonnage on American ships and goods, in Great Britain, should be given to the treaty-making power, and the right to fix the remuneration should be given to the legislative power? I presume no man will ascribe to the framers of that instrument so improbable an intention, that one power be intrusted with fixing the *quid*, and the other power with fixing the *quo*;—such a distribution of power would be contrary to all manner of experience. I cannot conceive that any honorable man can entertain such opinions, unless he has made up his mind to prostrate the treaty-making power at the shrine of the Legislature. It has been shown that the treaty-making power has been expressly given to the President and Senate, and it will be found in that profound and enlightened treatise in the constitution, *The Federalist*, 2d vol. p. 201, "that the power to make treaties is an important one, especially as it relates to war, peace, and commerce, and that it is expressly given to the President, by and with the advice and consent of the Senate;" and in the 2d vol. p. 275, "that the House of Representatives ought to have no

power in the formation of treaties." Then the instrument was before the people, and then, with these explanations of the intent of the instrument, it was submitted to the convention of the States, and ratified understandingly, with this exposition, proving affirmatively, that the President and Senate had the power to make treaties and negotiate; that the House of Representatives had nothing to do with treaties. Sir, however plausible the arguments of gentlemen contending for this legislative power may seem to be, yet I trust, when the exposition of the constitution, which I have had the honor to submit, comes to be clearly considered, and the treaty-making power, and the legislative power, duly examined and compared, they will be found perfectly consistent with each other, and each to revolve on its own constitutional axis, and within its own orbit, without crossing in any manner the orbit of the other.

Mr. HANSON intimated an intention to move that the bill should be indefinitely postponed; and said that he purposed to do so, not because he considered (as he certainly did) that the House, in the measures they were pursuing with respect to the British convention, were deliberating on an act of usurpation—not that, in the motion he should offer, or in the vote he might give, he intended to reflect upon the Senate—but because he was convinced that the House possessed no constitutional power to legislate upon the instrument under consideration. And, whatever deficiency there might be in the remarks he had to offer, he promised that there was one thing, at least, they should not want—brevity.

Mr. H. said, that he did not consider the subject before the House as one of those which afforded gentlemen an opportunity of festooning their eloquence, embroidering it with rhetorical flourishes, or swelling it beyond its natural dimensions, with extraneous and inapplicable matter. On the contrary, he expected that, as it had been *pressed* before the House, he should find it met in the way that great constitutional lawyers meet great constitutional questions.

Taking the business then in this way, it was first for their consideration whether that House constituted a part of the treaty-making power; when they had decided that, as inevitably they must, in the negative, the next question was the most simple imaginable—namely, where the treaty-making power was in effect lodged—not where it ought to be lodged;—and, on this point, they might be at once relieved from all further trouble of investigation by casting their eyes upon the constitution, which vests the power in the President, by and with the consent of the Senate, and cautiously and providently guards it by a provision that two-thirds of the Senators present should concur. And this clause, he said, contained the only limitation that was to be found attached to it in that instrument. It was impossible, he said, for language to be more precise or express in conveying the purposes of the human mind, or for words to be

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more unsusceptible of doubt or misconstruction than these in which this clause was written: "Shall have power to make." What, said he, can be understood by "to make," but entirely and wholly to accomplish—to render perfect and complete—to leave no part of it undone? If the treaty, then, wanted any part of the process appointed by the framers of the constitution, even for its completion, it could not be made. But, when it went through the Whole, and obtained the last finishing—namely, the concurrence of two-thirds of the Senate—then it was made; and it would be an absurdity, in terms, to say that more was necessary to its perfection. This concurrence of two-thirds of the Senate was the safeguard erected by the constitution, who thought it sufficient to preserve it against every abuse; and this construction of it is testified by innumerable contemporaneous authorities, of different political parties and sentiments. This was the construction of President WASHINGTON, and this was the construction of the several authors of *The Federalist*.

Gentlemen say that the laws of Congress are superior to this power. Mr. H. emphatically dissented from this position. The constitution created the two distinct branches of power, at one and the same time, and by one and the same instrument—made them co-ordinate and co-existent. By the law of the land, therefore, the treaty-making power was made equal in these points—indeed, even paramount to the other—for it imparts to it the power to repeal it. "All treaties (says the constitution) are the supreme law of the land." From the moment of its ratification and promulgation, therefore, and according to President WASHINGTON's construction, this treaty became the supreme law of the land at once. And permit me to say, sir, continued Mr. H., that so it was considered, and this by the Executive of the United States, which may be readily demonstrated by the development of the fact—of which I have been informed, which I do firmly believe to be true, and with which in all probability many people, perhaps even here, are acquainted—and that is, that circular letters of instruction were actually printed and prepared to be sent off to the custom-house officers all over the Union, directing them to conform to the new laws and regulations created by the treaty. In this country we have received intelligence that, under this conviction, the tonnage on American vessels had been reduced in Great Britain; that, by an Order in Council, that benefit has been attached in England to our commerce; and that, in the confidence placed in our fidelity, our trade was, without delay exempted from duties, so that there a vested right has been created by the provisions of the treaty. In this country we were equally bound by it as the supreme law of the land, insomuch that it may be questioned whether, from the moment of the promulgation of the ratified treaty by the President, any merchant could be bound to pay the late duties.

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Mr. STANFORD said he would beg leave to make his acknowledgments to the House, if the adjournment of yesterday evening was to afford him the opportunity of making the few remarks he had intended to make before the question was taken. He, however, had no wish to consume but a few minutes of the time of the House, and hoped that he would not then do it. He said he was an old member, and on the question before the House, as gentlemen debated it, stood committed as to the course he should take, and, under like circumstances, should still feel it his duty to take; but in his judgment the bill before them did not involve the old question, whether this House had, or had not the power, in certain cases, to give effect to a treaty. Such cases might exist, and might well be supposed to exist, where appropriations were called for, or where regulations became necessary, growing out of legislative power to give effect to a treaty, as in the case of acquiring territory—or where the treaty itself should stipulate for some legislative provision in fulfilment of its views. In such cases he held it, he said, that the House had not only the power to legislate to give effect to such treaty, under its own discretion, but, under the same discretion, to refuse to legislate, and defeat the ends of such treaty. Any other doctrine, he contended, would lead to the absurdity of legislation, without the right to deliberate; or to that of voting without the right to judge whether the measure was, or was not, for the public good.

Although, therefore, he did not believe the constitution gave, or was intended to give any direct share in the treaty-making power, to the House of Representatives, yet that it held an indirect control over a certain class of treaties, he could not be brought to doubt. He meant, to be sure, such treaties, and such only, as those to whose provisions legislation became indispensable—as without the passage of some law of Congress, they could not go into effect; of this description, he conceived those to be, of which he had spoken.

As the most of our treaties, however, were not of such description, but such as were suf-

rule by which such ships and goods must be governed, and be collected by the officers of the United States, appointed for that purpose. But, if a compact, international, is made, giving to each other the right to import into the ports of each other, upon the same terms that their own ships and goods enjoy, and that compact be made by the treaty-making power, giving a reciprocal benefit to the contracting parties, it must be obligatory, or there can be no power to treat. I ask, if the treaty-making power agrees with Great Britain, that the same imposts and tonnage which Great Britain imposes on her own ships and tonnage, coming within the ports of Great Britain, shall also be imposed on the ships and goods of the United States, entering British ports whether that treaty is not binding on the United States, and whether Congress can, by any law, interfere with such compact, and whether such international act was ever intended to be considered as one of the powers of Congress to regulate commerce with foreign nations; and can it be that the treaty-making power can make such compact with England clearly within the exclusive treaty-making power; and not be authorized to give the like privilege to the British ships and goods, as the remuneration for their grant in the treaty to our ships and goods? Can it be that the framers of the constitution intended to authorize the treaty-making power to make a compact with a foreign power, for commercial benefits, and restrain the treaty-making power from remunerating such power for such benefits? I presume not; and if the stipulation shall be, that the same exact commercial advantage shall be enjoyed by Great Britain in America, as Great Britain extends to America in England, can any man doubt that such compact is just, constitutional, and conclusive? Can it be that the right to stipulate what should be the international regulation of the imposts and tonnage on American ships and goods, in Great Britain, should be given to the treaty-making power, and the right to fix the remuneration should be given to the legislative power? I presume no man will ascribe to the framers of that instrument so improbable an intention, that one power be intrusted with fixing the *quid*, and the other power with fixing the *quo*;—such a distribution of power would be contrary to all manner of experience. I cannot conceive that any honorable man can entertain such opinions, unless he has made up his mind to prostrate the treaty-making power at the shrine of the Legislature. It has been shown that the treaty-making power has been expressly given to the President and Senate, and it will be found in that profound and enlightened treatise in the constitution, *The Federalist*, 2d vol. p. 201, "that the power to make treaties is an important one, especially as it relates to war, peace, and commerce, and that it is expressly given to the President, by and with the advice and consent of the Senate;" and in the 2d vol. p. 275, "that the House of Representatives ought to have no

power in the formation of treaties." Then the instrument was before the people, and then, with these explanations of the intent of the instrument, it was submitted to the convention of the States, and ratified understandingly, with this exposition, proving affirmatively, that the President and Senate had the power to make treaties and negotiate; that the House of Representatives had nothing to do with treaties. Sir, however plausible the arguments of gentlemen contending for this legislative power may seem to be, yet I trust, when the exposition of the constitution, which I have had the honor to submit, comes to be clearly considered, and the treaty-making power, and the legislative power, duly examined and compared, they will be found perfectly consistent with each other, and each to revolve on its own constitutional axis, and within its own orbit, without crossing in any manner the orbit of the other.

Mr. HANSON intimated an intention to move that the bill should be indefinitely postponed; and said that he purposed to do so, not because he considered (as he certainly did) that the House, in the measures they were pursuing with respect to the British convention, were deliberating on an act of usurpation—not that, in the motion he should offer, or in the vote he might give, he intended to reflect upon the Senate—but because he was convinced that the House possessed no constitutional power to legislate upon the instrument under consideration. And, whatever deficiency there might be in the remarks he had to offer, he promised that there was one thing, at least, they should not want—brevity.

Mr. H. said, that he did not consider the subject before the House as one of those which afforded gentlemen an opportunity of festooning their eloquence, embroidering it with rhetorical flourishes, or swelling it beyond its natural dimensions, with extraneous and inapplicable matter. On the contrary, he expected that, as it had been *pressed* before the House, he should find it met in the way that great constitutional lawyers meet great constitutional questions.

Taking the business then in this way, it was first for their consideration whether that House constituted a part of the treaty-making power; when they had decided that, as inevitably they must, in the negative, the next question was the most simple imaginable—namely, where the treaty-making power was in effect lodged—not where it ought to be lodged;—and, on this point, they might be at once relieved from all further trouble of investigation by casting their eyes upon the constitution, which vests the power in the President, by and with the consent of the Senate, and cautiously and providently guards it by a provision that two-thirds of the Senators present should concur. And this clause, he said, contained the only limitation that was to be found attached to it in that instrument. It was impossible, he said, for language to be more precise or express in conveying the purposes of the human mind, or for words to be

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As the most of our treaties, however, were not of such description, but such as were suf-

ficiently full in their details, and went plainly and obviously to their intended objects, it would seem equally absurd to attempt to legislate them into effect—or, in the language of the gentleman from Maryland, (Mr. PINKNEY,) by a law to re-echo the very words of a treaty, thereby to seem to give it effect. Mr. S. said, if his views were correct, and he must own he felt the fullest confidence in them himself, he could not see how gentlemen could press the necessity of the present law, to give effect to or regulate any thing in the late commercial treaty with Great Britain. It is certainly a treaty of the latter description, plain and simple in its details, and one which calls for no appropriation, no authoritative law, nor regulation of any kind. Already has the President sent it out with his proclamation, and he must have considered it as having effect from the time, or he ought not to have proclaimed it.

This question came up between the two Houses, under the former British treaty, for the first time, upon a call for an appropriation to carry it into effect. Again, a few years after, under the foreign intercourse bill, when the House claimed the exercise of some discretion in voting for or against the salaries of certain ministers whom the President and Senate had appointed on missions abroad, which the House did not approve, and thought proper to oppose. In both these instances, the appropriations were made, notwithstanding the opposition; but, in the third instance, an appropriation was called for, and refused, to carry into effect an Indian treaty in the Yazoo country. The reason for this refusal is well known, but the difficulty being removed at a subsequent period, the money was voted, and the treaty carried into effect. Mr. S. said, in the case of the acquisition of Louisiana, legislation became necessary, not only to appropriate money, but to extend government to the citizens of that territory, and no question or difficulty was made about it, and he felt persuaded it was a rightful claim on our part, to exercise a sound discretion in all such cases.

FRIDAY, January 12.

Another member, to wit, from Connecticut, TIMOTHY PICKIN, appeared, produced his credentials, was qualified, and took his seat.

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The House resumed the consideration of the bill for regulating the commerce of the United States, according to the late convention with Great Britain—the question still being on the passage of the bill—

Mr. PICKERING said, that after so long a discussion of the question before the House, he would not have risen had not some lights, in which it should be viewed, passed unobserved.

In this country, said he, we hold that all the powers of Government originate with the people. Those powers the people might distribute in any

manner they pleased. They might have vested all legislative power in one man; in a President, or in a President and Senate, or in a President, Senate, and House of Representatives. To see how they have in fact distributed the powers of Government, we must look to the constitution, which they have framed for that purpose.

The first clause in the constitution reads thus: "All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." And the inference of gentlemen on the other side of the House is, that whatever powers are expressly granted to Congress, are exclusively granted; or, if any other branches of the Government act upon the subjects of those powers, the concurrence of this House is necessary to render their acts void. But if gentlemen will turn to the seventh section of the first article of the constitution, they will see an important restriction on the sweeping legislative power apparently granted to the Senate and House in the first section: "Every bill which shall have passed the House of Representatives and the Senate, shall, before it shall become a law, be presented to the President of the United States," for his approbation; without which it will not become a law, unless, on a reconsideration of it, with the President's objections, it shall be approved by two-thirds of each House. Here, then, is one exception to the sweeping legislative powers granted to Congress, as composed of the Senate and House of Representatives, that is, of bare majorities of the two Houses; and a special legislative power is created, and vested in two-thirds of the two Houses, whose concurrence is, in such case, necessary to make a law.

In like manner, is complete legislative power vested in the President and Senate. For we see, in the passage of the constitution so often recited, that all treaties made under the authority of the United States, are declared to be the law of the land; and the President and Senate are exclusively vested with the power to make treaties, two-thirds of the Senators present concurring.

But it is said, that among the various powers granted to Congress, one is "to regulate commerce with foreign nations;" and that if such regulation of commerce be made the subject of a treaty, an act of Congress, including the concurrence of this House, is requisite to make it the law of the land. Here the negotiating of a treaty and the making of a treaty are compounded, although they are perfectly distinct. When a minister, or other Executive agent, has negotiated a treaty, it is by the President laid before the Senate; and when, with their advice and consent, it is ratified by the President it is made—it is complete; and no act of the House of Representatives can add any thing to its valid ity. The word *made*, is equally applicable to laws and to treaties. "This constitution, and the laws of the United States made in pursuance thereof, and all treaties made, or which shall be

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made, under the authority of the United States, shall be the supreme law of the land."

As to the subjects of treaties: When the framers of the constitution gave to the President and Senate power to make them, without specifying or limiting the subjects to which they should be confined, it is plain the term treaties was intended to embrace the usual subjects of these contracts between nations. At the time when the constitution was ordained, we had four commercial treaties—with France, Holland, Prussia, and Sweden; and a treaty of alliance, and a convention or treaty relating to consuls, with France. All these subjects, then, it is certain, are within the treaty-making power of the President and Senate. The convention with Great Britain, to which the bill before us refers, embraces but two of them—commerce and consuls.

But, seeing that Congress have power to regulate commerce with foreign nations, why should it be made the subject of treaties? The answer is, to give stability and security to commerce. Suppose the United States and Great Britain, merely by laws of the two countries, had equalized the duties on American and British vessels and their cargoes, in the manner provided by the commercial convention, and suppose that, in expectation of the permanency of those laws, the growers of cotton and tobacco in the United States, were to ship those articles in vessels of the United States to Great Britain, and, pending the voyage, the Government of that country should deem it expedient to repeal her equalizing laws, and restore the discriminating duties of tonnage and impost on American vessels and their cargoes; this would bring a very serious loss on those owners. But a treaty would prevent such repeal, and consequent injury.

To a just understanding of the question before the House, another distinction should be taken; that is, between the validity and the execution of a treaty. While gentlemen on the other side (with a single exception) admit that some treaties made by the President and Senate are valid, without any act to be done on the part of this House, such as simple treaties of peace, and even of alliance; seeing no special power is granted to Congress by the constitution, to make peace and form alliances; yet it is said, that when the intervention of this House is necessary, as in providing and making appropriations of money to carry treaties into execution, then the sanction of this House is requisite to give them a binding force. But let it be supposed that the constitution, instead of vesting the whole treaty-making power in the President and Senate, had ordained that no treaty should be valid, unless approved by the House of Representatives; and suppose, also, that all the three branches of Government concurring, a treaty of commerce and limits were made, such as that with Spain, in 1795, no one would then question its validity; and yet, unless the President and Senate appointed commissioners to run the boundary lines, to mark the limits of the respective territories, and

unless the House of Representatives, concurring with the President and Senate, appropriated money to defray the expense thereof, the treaty would remain unexecuted.

According to the doctrine maintained by the framer and advocates of the bill before us, there have never been any valid treaties between the United States and foreign nations, since the organization of our Government; for no law of Congress has re-enacted their articles, (as is attempted by the present bill,) or, by a general enactment, pronounced them to be the law of the land. Take up any of those treaties; for instance, the treaties of 1795, with Great Britain and Spain, where the appointment of commissioners and appropriations of money were necessary to their execution. Congress passed laws making such appropriations; not to give validity to the treaties, but simply, in the language of those laws, to carry them into effect.

But shall treaties operate a repeal of a law of the United States? Yes, because treaties being, equally with acts of Congress, the law of the land, they must repeal all the provisions of prior laws contravening their stipulations—according to the well-known maxim, that the latter laws repeal all antecedent laws containing contravening provisions; and so long as treaties exist, so long the Government and nation are bound to observe them, and the decisions of the judges must conform to their stipulations. But as treaties may thus annul the laws of Congress, so may these laws annul treaties; and when Congress shall, by a formal act, declare a treaty no longer obligatory on the United States, the judges must abandon the treaty, and obey the law. And why? Because the whole authority, on our part, which gave existence and force to the treaty, is withdrawn by the annulling act. Such is the effect of a law of Congress declaring war against a nation between whom and the United States any treaties had been made. Take for example the case of France, with whom we had a treaty of amity and commerce, a treaty of alliance, and a consular convention. These treaties having been repeatedly violated on the part of the French Government, and the just claims of the United States for reparation of the injuries so committed having been refused; and their attempts to negotiate an amicable adjustment of all complaints between the two nations having been repelled with indignity; and as the French persisted in their system of predatory violence, infracting those treaties, and hostile to the rights of a free and independent nation; for these causes explicitly, Congress, in July, 1798, passed a law, enacting that those treaties should not thenceforth be regarded as legally obligatory on the Government or citizens of the United States; and two days afterwards Congress passed another law, authorizing the capture of all French armed vessels, to which the commerce of the United States long had been, and continued to be, the prey. And as in this, so in every other case in which Congress shall judge there existed good and sufficient cause

for declaring a treaty void, they will so pronounce, either because they intend to declare war, or because they are willing the United States should meet a war, to be declared on the other side, as less injurious to the country than an adherence to the treaty. But should Congress, without adequate cause, declare a treaty no longer obligatory, they must be prepared to meet the reproach of perfidy, besides exposing the United States to the evils of war, should the offending nation think fit to avenge the wrong, by making war upon them.

Mr. TAYLOR, of New York, spoke as follows:

Mr. Speaker, I have listened to the remarks of the honorable member from Massachusetts, (Mr. PICKERING,) with the attention due to age and experience. The important offices he has held under this Government, and the extended period of his political life, claim for his opinions particular respect. But the tribute of respect is all I can pay. I cannot assent to his construction of the constitution, as it applies either to the legislative or the treaty-making power. In my judgment these powers, under the Constitution of the United States, are perfectly distinct in relation both to the authority exercising them, and the subjects upon which they can definitively act. A treaty is a compact of accommodation between independent States, relating to their public affairs. It derives all its efficacy from the consent and agreement of the parties; it operates upon the willing only; it is obeyed by the parties no longer than obedience is voluntary. If its engagements are violated, there is no tribunal competent to afford redress; recompense can be found only in the provisions of a new compact, equally voluntary to the first, or in a resort to the *ultima ratio regum*. The proper subjects of treaty arrangement are, those to which legislative power cannot reach by reason of its limited jurisdiction. Were it not for this, no treaty would, or indeed could be made; there could be no parties capable of contracting. Freedom of will would be wanting, for it is of the nature of legislative power to impose upon all persons, subject to its jurisdiction, an obligation to conform themselves to the rule it prescribes. It possesses within itself a capacity of making all laws necessary to carry its enactments into complete execution; all other power is inferior and subject to its control. It is restrained only by the constitution of the Government under which it acts, and limited only by its territorial jurisdiction: "The idea of law necessarily comprehends that of a penalty, consequent upon its violation, of a tribunal which determines the penalty, and a physical force to put it in execution." In a Government where the will of a despot is the supreme law, it is immaterial to the subject whether that will be expressed in the annunciation of a treaty or an edict; but in a Government where the law-making power is vested in three departments, and the treaty-making or bargaining power in two of them, it may become vastly important to national liber-

ty, that these two departments should not be permitted, in the form of treaties, to exercise the sovereign power of enacting and repealing laws. Does, then, the constitution give to the President of the United States the power, by and with the advice and consent of the Senate, in the form of a treaty, to legislate for the people of this country, by repealing the laws of Congress and enacting others in their stead? The question is important; it should be discussed with temperance, and decided with firmness. I agree with my honorable colleague, (Mr. GOLD,) that the present occasion is auspicious for both.

It is admitted on both sides of the House that the treaty now under consideration is well advised, and ought to be carried into full execution on the part of the United States. But it is denied by the honorable member from Massachusetts, (Mr. PICKERING,) and by most of those who, on this occasion, vote with him, that a law of Congress is necessary to give it effect, because the constitution declares that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and that all treaties made, or to be made, under the authority of the United States, shall be the supreme law of the land.

Let it be remembered, that municipal law maintains its obligation over all those subjects which are within its jurisdiction, and that a treaty law enforces its agreements or compacts only on public international affairs which municipal law cannot reach. A law of Congress compels obedience to its enactments on all subjects over which legislative power is granted to that body by the constitution; but what power is more clearly granted than that of regulating commerce? And what law is more purely municipal than that which prescribes the sum of money to be paid on the importation into a territory of a particular article of trade or commerce? It enters into considerations of domestic policy, equally important and various. The wants of the citizens of a State, both in peace and war; the encouragement of their home manufactures, and generally their whole domestic concerns, are affected by it. It is, therefore, a fit subject of municipal legislation. By whom then is such legislation to be exercised? The constitution, in the first section of its first article, gives the answer: "All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." The eighth section of the same article, which grants to Congress the power of declaring war, raising and supporting armies, and coining money, grants, in terms equally strong and definite, the power also of laying duties and regulating commerce. But it is contended, that as a treaty is the supreme law of the land, so it attaches to itself the essential quality of all other law, that of repealing former laws contradicting its enactments; and gentlemen have attempted to

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illustrate this position by calling our attention to the treaty of peace, and asking whether it did not repeal the law declaring war? I answer the inquiry in the negative. The act of declaring war is, in most limited governments, purely executive. The constitution vests the exercise of that power in Congress, and in exerting it, Congress acts rather executively than legislatively. An act declaring the relations of amity which had existed between two nations, to be terminated, may be prefaced with a recital, that the offending nation had committed acts of hostility against the other, and, therefore, that a state of war existed, as was done at the last session of Congress, in passing the act for protecting the commerce of the United States against the Algerine cruisers; or, omitting a recital in the law, it may simply enact, that a state of war is declared to exist between the two countries, leaving the publication of its causes to a report, or manifesto, as was done in declaring war against Great Britain. In either case, the law is purely declaratory. It presupposes hostile acts to have been committed, and does nothing more than promulgate, in an official form, the existing relations between the governments concerned. An act declaring war is, in its nature, also of limited duration. The only legitimate end of war is peace. Surely it is the only end contemplated by the Constitution of the United States. It is to continue in force until relations of amity shall be restored, in the manner pointed out by the constitution, and no longer. Whenever that event happens, the law becomes inapplicable, and expires by its own limitation. A treaty of peace, therefore, does not repeal an act declaring war.

Neither is a treaty the supreme law of the land, in the same sense that either the constitution or an act of Congress is supreme. The second paragraph of the sixth article of the constitution declares: "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby; any thing in the constitution or laws of any State to the contrary notwithstanding."

First, then, the constitution is supreme, as being the charter of liberty proposed to the people of the United States, by their convention on the 17th of September, 1787, and afterwards ratified by the people of all the States, which cannot be altered by act of Congress, nor by treaty; nor in any other manner than that prescribed by the constitution itself. It is therefore superior in dignity and authority to every other law. Second, laws of the United States, made in pursuance of the constitution; and third, treaties made under the authority of the United States, although inferior to the constitution, are, within their respective powers of making laws concerning the internal, and making compacts relative to the external affairs of

the country, supreme in comparison of the constitution and laws of any State, and binding upon the judges thereof. This construction of the constitution preserves the harmony of all its parts. It leaves each department to act within its own sphere, and conforms to the rule that, in expounding an instrument, such construction shall be adopted, that all its parts may stand together, and effect be given to each. But the construction, advocated by those who oppose the passage of this bill, on the ground that legislative interference is unnecessary, is in manifest contradiction of the constitution itself, and the acknowledged powers of this House. If the words "supreme law," are to be applied in precisely the same sense to the constitution, to acts of Congress, and to treaties, it follows that a treaty is of equal dignity and binding obligation to the constitution. And, as a posterior law repeals all of a prior date which contradict its enactments, a treaty may alter, amend, or repeal, the constitution itself. But the President and thirteen Senators may make a treaty—therefore they may, in the form of a treaty, make amendments to the constitution which cannot be made without the consent of three-fourths of the States in the Union. Their construction is in manifest violation also of the acknowledged powers of Congress. It is admitted by all, that if a treaty contain a stipulation, on the part of the United States, to make a payment of money, that it cannot be carried into effect without the passage of a law by Congress making an appropriation for that purpose—why not? Will gentlemen inform me? The constitution does not say that an appropriation law shall be passed by the Senate and House of Representatives. No, sir; it only says, "no money shall be drawn from the treasury but in consequence of appropriation made by law." But if a treaty is the supreme law of the land, capable of altering, amending, or repealing the laws of Congress, money drawn from the treasury in consequence of an appropriation contained in a treaty, would be drawn, not only legally, but in pursuance of the supreme law itself. A conclusion, fraught with such monstrous absurdity, has not yet found an advocate on this floor; but such is the inevitable consequence of the construction for which gentlemen in the opposition contend.

Mr. WILSON said he little thought, when this debate commenced, that it would have been continued so long, and thought as little that, in the course of it, he should have troubled the House with any remarks. Till now, indeed, he had been a mute, as far as he could be, a patient, and he hoped not altogether inattentive listener. Had his views of the subject been presented to the House by any other gentleman, he should still have remained so, content to prefer, however ignoble the choice, the safety of silence to the hazards of debate. As they had not, he would venture to intrude them as briefly as he could, that at least they might not tire those whom they did not please.

He desired previously, however, to offer a word or two in answer to some arguments which had been urged in the course of this discussion. It had been said by the gentleman from South Carolina, (Mr. CALHOUN,) that the bill upon your table is unnecessary, because an act was passed at the last session repealing our discriminating duties as to all nations who should repeal their discriminating duties as to us. Now, sir, asked Mr. W., what evidence have we that Great Britain has repealed her discriminating duties as to us? The treaty, indeed, provides that she shall do so, and there is no doubt it will be done. But at present, sir, they are merely suspended by the Order in Council of the 17th of August, which we have seen in the newspapers, and which does not refer either to the words or the date of the treaty, and can as little be connected with the law of the last session. On the contrary, its duration is limited to six weeks after the commencement of the next session of Parliament, pointing evidently to a repeal of those duties by act of Parliament before the expiration of that period; and, by and by, we shall see the act repealing those duties, which it is necessary should be abolished before the law of the last session can operate effectually. Farther, sir, a strict examination of that law will show that, however it might have been intended, its words fairly interpreted, reach only to goods, wares, and merchandise, the growth or produce of the foreign nation, and not to the ships or vessels in which they may be imported; whilst the convention stipulates that all discrimination as to both shall be at an end. The law of the last session, therefore, is not co-extensive with the stipulations of the convention, and cannot supersede the necessity of the present bill. But the passage of that very law, sir, furnishes an argument against the doctrines of the gentlemen who have alluded to it, so far as any argument can be drawn from the practice and opinions of the last Congress. If they believed, as the gentlemen do, that the President and Senate had the power of making a treaty which should have the force of a law in repealing those duties, why was it necessary to pass a law providing for their repeal? Evidently, sir, it would not have been thought necessary; for, according to such a supposition, they must have believed the President and Senate had this power independent of all law. Their passing this law, therefore, is the strongest proof they could have given us of their belief that the President and Senate had not this power.

Mr. W. said, if he understood the gentleman from Massachusetts (Mr. PICKERING) correctly, he undertook to show, by the uniform practice of this Government since the adoption of the constitution, that laws had not been passed to carry treaties into effect, except where an appropriation of money was required, and he thence inferred, that laws for that purpose had not been deemed necessary. Mr. W. declared he had examined all the treaties which had

been made, and the laws which have been passed regarding them, in conjunction with his friend and colleague who reported this bill to the House, and who gave a brief statement of the nature of the treaties made and the laws passed, and of the evident reasons why, in certain cases, laws had not been thought necessary. His colleague certainly did not go into details, because with such subjects every member of the House was presumed to be acquainted; but the result of their examination was a conviction in them both, that whenever laws had not been passed in conformity with the stipulations of a treaty, it was generally, if not universally, because those stipulations did not touch any of the objects committed exclusively to the jurisdiction of Congress; or, in other words, did not require the enactment of any new, or the change of any old, municipal regulation. To enter into an examination and comparison of those laws and treaties now, would, Mr. W. observed, be to inflict more upon the patience of the House than it would be willing to endure. If, however, a positive precedent upon his part was demanded, he would lay his hand upon it at once; and it was not the less welcome, to him at least, on account of its having been established during the administration of Mr. Jefferson, a period of what he had been accustomed to consider as correct principles. It was the stronger, because Mr. Jefferson, when Secretary of State, is said to have maintained the opinion now supported by the gentlemen on the opposite side of the House. The Louisiana convention, Mr. W. said, was open before him, and he found there a stipulation upon the very same subject, and in form not very unlike that of the treaty now under discussion. That stipulation provided for the admission of French and Spanish vessels into the port of New Orleans for twelve years, upon the same footing as American vessels; the law which was passed on that occasion did contain a provision to the same effect. [Here Mr. WILDE read the law and the convention.]

The bill before you, Mr. W. remarked, has been called "the echo of the treaty, its reflected image, its twin brother." He would ask, if this law and the article in the Louisiana convention are not at least of the same family, and as like one another as Sebastian and Viola?

Having made this reply to some of the arguments of others, Mr. W. said he would now proceed to offer a few of his own.

If he had not misconceived some of the remarks of the gentleman from Maryland, (Mr. PENNERY,) it was admitted, that a treaty might be either self-executory, or might require a law to carry it into effect. He agreed perfectly in that opinion, but no rules had been furnished for deciding what treaties were self-executory, and what required laws to assist their operation; without such rules, it would be impossible to determine the present question, which is, to what class does this treaty belong?

What the hand of a master neglected to per-

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form, either because his eye was fixed upon greater objects, or because he deemed it unworthy of his genius, the hand of a novice might venture to attempt; for, if he failed, he forfeited nothing but a reputation which is not worth preserving, while if he succeeded, he acquires all he can ever hope for—the praise of being useful. The rule which he would offer was probably not such a one as the gentleman himself would have given; certainly not as good an one, possibly little better than no rule at all. He offered it not without hesitation, and it was simply this:

That where the stipulations of a treaty relate entirely to objects purely international or extra-territorial, then they are self-executory, or at most require nothing more than an exertion of the Executive or judicial powers to carry them into effect. But that where they relate solely to objects intra-territorial, objects purely of municipal legislative jurisdiction, there they require the exertion of the municipal legislative authority to assist their operation.

To the first class belonged conventions regulating the reciprocal rights and duties of nations, when one of them shall be belligerent and the other neutral, including the definition of blockade, of contraband of war, of enemy's property, of the right of search, and of all other questions coming within the jurisdiction of the admiralty or maritime courts of either nation, sitting under and professing, at least, to decide according to the authority of national law. In the same class were included all treaties merely of peace. As to these the President and Senate ratify the treaty. The President, as Commander-in-chief, can suspend hostilities, and the tribunals of prize are competent to do the rest.

To the second class he would refer all treaties, conventions, and agreements, having solely for their object a change, either reciprocal or otherwise, of any regulations merely municipal, in one or both countries. If the change was to be reciprocal, according to his idea, it would require the interposition of the Legislature of each country respectively; if it is not to be reciprocal, it would require the interposition of the Legislature of that country only in which the change was to be effected.

Further, *sir*, said Mr. W., treaties may be mixed or compounded of stipulations, relating to objects, some of which belong to one class and some to the other.

Of this description are treaties of guarantee, of alliance, of subsidy, of cession, of boundaries, and many others which I will not attempt to enumerate. So far as these relate to objects purely international, they are self-executory, or, at all events, may be executed without the aid of the legislative power. But so far as they concern objects solely of municipal legislation, so far they require the aid of the legislative authority to carry them into effect. If the terms are reciprocal, they will require reciprocal legislation in each country, respectively,

so far as they relate to the latter class of objects. If they are not reciprocal, they will require legislation in that country only where municipal regulations are to be altered or affected.

Thus a treaty merely of guarantee or alliance, between two nations, both of whom are at peace, is self-executory; it is perfected by the exchange of ratifications. Its objects are purely international, and require no legislation, because they require no new municipal regulations, neither do they require the change of any already in existence.

But if such a treaty stipulate that one or both parties shall raise and keep up a certain number of troops, this stipulation, if it be reciprocal, must be legislated upon in both countries; if not reciprocal, it must be legislated upon in that country which is to keep up the troops, because as to that country the object of the treaty is a municipal regulation.

As to a treaty of subsidy, that too would require legislation in the country paying the subsidy, because the appropriation of money is a municipal regulation.

With regard to treaties of alliance, with a nation already engaged in a war, as well as to treaties of cession and boundary, they are required to be considered as with relation to the extent of the power vested in the authority making them, as with relation to the objects of the treaties themselves. If the same authority which is invested with the power of making treaties, possesses also the power of declaring war, then that authority may make a treaty of alliance with a nation actually engaged in a war. But if the power of making treaties and of declaring war is not lodged in the same hands, then the authority of the treaty-making power does not extend to such a case; because to make a treaty of alliance with a nation engaged in war, is to make war on the enemy of that nation. Even if the treaty-making power is also invested with the power of declaring war, still all the stipulations of any treaty of alliance which it may make with a belligerent nation, so far as the same relates to raising troops, paying money, or to other objects of municipal regulation, so far will the stipulations of such a treaty require legislative interposition to carry them into effect. On the other hand, so far as such stipulations concern objects merely international and extra-territorial, so far they are self-executory, or, at all events, may be executed by the Executive and Judicial powers, without any legislative assistance.

With reference to treaties of boundary and cession, he would say, that if the treaty-making power of a nation is constitutionally authorized to fix its boundaries or cede any part of its territory by treaty, and does by treaty contract its boundaries or cede a part of its territory, such treaty is self-executory. If by a treaty of cession or boundary it extends the limits of the nation, or acquires new territories, such a treaty, so far as it relates to objects merely municipi-

pal, will require legislation; your laws, civil and criminal, cannot be extended over it merely by treaty.

To decide how far any treaty, and particularly the treaty before us, requires legislative assistance to carry it into effect, we must ascertain first, the constitutional extent of the treaty-making power over the objects of that treaty; and secondly, how far the treaty stipulations concern such objects as are purely international, and are for this reason self-executory; and how far these stipulations relate to objects municipal and intra-territorial, and therefore cannot execute themselves or be executed without legislative interposition.

The President and Senate have power to make treaties; this is said to mean all treaties—treaties of commerce as well as the rest. Granted. Still this does not decide the question. These treaties when made may be either self-executory, or they may require the aid of laws to carry them into execution. Of which class is this treaty? What are the objects of some of its stipulations? Are they purely international or municipal? Extra or intra-territorial? They relate to the equalization of duties. Can any thing, he asked, be so entirely an object of municipal regulation? Can any thing be more completely intra-territorial?

Let us consider, said Mr. W., the nature of the treaty-making power. Is it a power to pledge the faith of the nation, to any thing or every thing; possible or impossible? Evidently not. It is a power to pledge the faith of the nation for the performance of such things only as are naturally and constitutionally possible. Is it a power to pledge the faith of the nation absolutely and without qualification in all cases? Or only absolutely in some cases and qualified in others? Certainly the latter. And this seemed to him the distinction. The treaty-making power is authorized to pledge the faith of the nation absolutely for the performance of all stipulations purely international or extra-territorial, because these are either self-executory, and are in fact partly executed by the exchange of ratifications, as in a treaty of peace; or they depend for their execution on the executive and judicial powers, which are sufficient for that purpose, as in the restoration of prizes captured after the cessation of hostilities; as in the decision of contraband, enemy's property, blockade, the right of search, the change of property, and all other questions of maritime jurisdiction. But as to all objects of mere municipal regulation, it is not authorized to pledge the faith of the nation absolutely and without qualification, because these are to be effected only by laws, and cannot make laws, though it can make treaties. But this treaty is a law, and the supreme law. The answer was easy—it had been given a dozen times. If the President and Senate could legislate by treaty upon one object, purely municipal and intra-territorial, they could legislate by treaty upon all objects purely municipal and intra-territorial.

They could lay taxes by treaty, raise troops by treaty, in short, exercise the whole legislative authority of the country by treaty. What then became of the distinction that has been taken between treaties self-executory and treaties which require laws to carry them into execution? One or the other ground must be abandoned. Either treaties operate as laws upon all objects purely municipal and intra-territorial, or upon none. If upon all, every treaty is self-executory. If upon none, then every treaty operating upon such objects requires a law to give it effect. But no object can be more completely municipal and intra-territorial, than the objects of this treaty. What can be more entirely an object of municipal regulation than the imposition of duties? What more completely intra-territorial than the execution of those duties in our own ports? Surely then a law is necessary.

In support of the position that a treaty is a law of the land, and a supreme law, an article of the constitution had been quoted, and some stress laid upon the argument. If that article is accurately examined, it would be found to refer only to the States. "The judges in every State shall be bound thereby, any thing in the constitution and laws of any State to the contrary notwithstanding." If the framers of the constitution had intended that a treaty should control acts of Congress, would they not have added "any thing contained in any act of Congress to the contrary notwithstanding?" Could any thing be more obvious? But it had been said, also, that a treaty could repeal a law, and the treaty of peace was triumphantly appealed to as evidence of the fact. It is asked, did not the treaty of peace repeal the law declaring war? Mr. W. answered, if it did, still it would not affect his position, which was, that no treaty could repeal any regulation merely municipal. Was war a mere municipal regulation? According to what law is it to be declared and waged? By what law is it regulated? Certainly the law of nations. Can any object be merely municipal which is regulated entirely by the law of nations? Certainly not. There were writers on national laws whose works were confined to a consideration of the rights of war and peace. Mr. W. admitted that raising troops and money to wage war, were mere municipal regulations, but raising troops was not waging war. It was true, also, that war may be either extra or intra-territorial. Still, he would inquire by what law was it regulated? Was it an international or municipal object? But he did not by any means admit that the treaty of peace repealed the law declaring war. He held that a law could be repealed only by a law. He said that the law declaring war expired by its own limitation, as soon as peace was concluded. What was the meaning of the law declaring war? He spoke not of its words, but its effects. Simply this: "War is hereby declared against Great Britain, and shall be waged and continue until peace is made."

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Would it admit any other meaning? But if, as gentlemen suppose, the treaty of peace operated by repealing the act declaring war, then nothing more was necessary than to repeal that act, in order to be at peace. He once indeed had heard a great peace advocate jocularly maintain this opinion. But he imagined it would not be gravely asserted. No, undoubtedly, would be the reply; for the consent of a foreign nation would be wanting. Well, then, Mr. W. added, he could say, even with the consent of that foreign nation, a repeal of the law declaring war, would not make peace, because that would be to transfer the power of making peace from the President and two-thirds of the Senate to the President and a bare majority of both Houses. If, then, repealing the law declaring war, even with the consent of the foreign nation to make peace, would not have placed us in a state of peace, how could it be said that the treaty of peace operated by repealing the act declaring war?

Mr. SHEFFEY said he was persuaded that the House was already fatigued with the protracted discussion which this subject had undergone. He should, therefore, in delivering his sentiments, be as brief as was in his power. It was most unquestionably true, as had been stated, that the inquiry which it behooved the House to make, was not what ought to be the proper distinction of the powers of the constitution, but what they really are. If the comprehensive and almost unlimited power contended for, was exclusively vested in the President and Senate, it became the duty of the House, in obedience to the supreme will, to yield a ready acquiescence. But he thought it not unreasonable to contend, that unless that power was clearly granted, and in terms wholly unequivocal, a different course ought to be adopted. If there was a rational doubt, or an apparent conflict in the different parts of the constitution, as it respects the subject before the House, that construction ought to be given which best comports with the spirit and genius of the Government, and preserves the salutary checks which have been provided against the abuse of power.

• The leading features of this constitution, said Mr. S., are strongly and distinctly marked. Its principal characteristics consist in a distribution of its powers to different departments, and in such an organization of each as tends to check abuses. The legislative, executive, and judicial powers are confided to different public agents, who, in the exercise of their respective functions, act as checks upon each other. The legislative power is so organized as to afford great security against the adoption of improper measures. In the ordinary course of legislation, no act is binding on the nation until it has received the assent of a majority of the Representatives of the people and of the States; and, likewise, the assent of the President, the representative of both. Surely, then, it is not unreasonable to contend (in the absence of any positive provision) that a treaty, made by the President and

Senate, embracing the same subjects, confided to the Legislature in distinct terms, ought not to have the force of a law, which has received the approbation of all the constituent branches of the legislative power.

Before he proceeded further, Mr. S. said, he wished to be distinctly understood. He did not mean to contend that the House of Representatives had any agency in making treaties, or that a direct vote of ratification was necessary or proper, but he meant to contend that a treaty did not operate as an absolute repeal of an existing law in conflict with it; and that, when it contained affirmative stipulations, in relation to subjects expressly confided to Congress, a law was necessary to give effect. This construction will make every part of the constitution consistent with its own principles, and with the spirit which pervades the whole.

In the distribution of its powers, the constitution has expressly provided that all legislative power therein granted shall be vested in the Congress of the United States. In a subsequent part, the objects to which it shall extend are specially enumerated. No concurrent special authority, in relation to these objects, is granted to any other department of the Government. But a general power is given to the President and Senate to make treaties, which I admit means all treaties usually among nations. The question then is, does this general power to make treaties, so far as it is exercised, operate to the utter destruction of the special power of legislation; or, shall both have their effect? Among the rules which are adopted, in the construction of the instrument, none seems to be better settled, than that general powers cannot destroy those specially granted; but that when there is a conflict, the former must yield to the latter; and a rule equally correct is, that every part of an instrument shall have its due effect, if possible. Can it then be correctly contended, that the power to make treaties, conferred in general terms, annihilates (so far as the provisions of a treaty extend) the power to make laws, specially granted? Is it not more correct to adopt a construction which will equally preserve the power to make treaties, and the power to make laws, which will give to the President and Senate the exclusive authority to make all treaties, and leave to the House of Representatives a concurrent power in the execution of such as embrace subjects expressly granted by the constitution to Congress? A very extensive field for the operation of the treaty-making power will still exist. Every treaty of peace, of limits—all treaties regulating the conduct of the contracting nations, when either shall be at war—designating what shall be contraband, or what shall be a legal blockade—regulating the right of search, and many others, will fall within its exclusive jurisdiction; and as it respects those treaties, embracing legislative objects, it will possess the right to form them, in the first instance, and also a concurrent voice in their execution.

A consideration of the comparative character of the legislative and treaty-making powers tends strongly to support this construction, and to prove, in a manner perfectly satisfactory to myself, that the latter is not superior, not equal, to the former. That which is called sovereign power in every government, is the power to make laws. In Great Britain, it is clothed with the character of omnipotence, because, as to the objects which it embraces, it is superior to any other human power, and annuls all that come in collision with it. The Executive and Judicial powers are under its control, and subject to its direction. In this Government, the power of legislation is confined to certain objects; but, as it respects these objects, its sovereignty is complete, unless restricted by the spirit or letter of the constitution. Hence I contend, that as to all legislative subjects, the sovereign or supreme power has been confided to Congress, and that the treaty-making power, (being an Executive power,) so far as it acts on those subjects, is inferior and subordinate to it.

But it is said that a treaty, though the act of the Executive department, is elevated to an equality, if not superiority, with an act of Congress, by an express provision of the constitution, in which it is declared, that the "Constitution and laws made in pursuance thereof, and all treaties made, or hereafter to be made, shall be the supreme law of the land." Let us examine this subject. Let us look into the existing state of things when this constitution was framed. The State sovereignties then existed, and were to be preserved to a certain extent. The powers of the General Government, in their operation, must frequently and necessarily act on the same subjects over which the States retained some authority, and consequently, produce collision. As it respected treaties, there was another consideration, which made it highly necessary that their relative character should be established. It is well known that much discussion had taken place, and a variety of sentiments entertained as to the force and effect of the Treaty of Peace of 1783. It was contended, (and I think some of the States so construed it,) that the stipulation contained in that treaty, conflicting with the laws of the States, merely municipal, did not repeal those laws. In order, then, that these collisions might be prevented, and a due subordination secured to the authority confided to the United States, it became indispensable to declare it supreme in relation to the States. Hence it has provided, that the constitution, laws, and treaties, "should be the supreme law of the land, any thing in the constitution or laws of any State to the contrary notwithstanding."

That the constitution did not intend to declare what should be the effect of treaties, in relation to the laws of the United States; that it did not intend to elevate an Executive act so as to make it equal or superior to an act of the sovereign or legislative power, but leave it possessed of its natural character, is susceptible of

other illustrations. In the European States, where the whole power of the government is vested in a single individual or in a single body of men, treaties are equal to laws, because they contain a manifestation of the will of the whole sovereign power, in which laws themselves consist. In the Government of Great Britain, however, where the treaty-making power and the legislative power are lodged in different hands, (and in that respect is like our own,) a treaty embracing legislative subjects, is not equal to an act of Parliament; but depends, so far as these subjects are concerned, for its execution, on the legislature. With the British constitution before their eyes, (and that they had it steadily in view, the distribution of power and the phrases employed sufficiently attest,) can it be supposed that the framers of the constitution, if they intended to give to treaties the extraordinary effect now contended for, would not have declared so in express terms? I say extraordinary effect, because in the only government similar, as it respects this question, to our own, treaties embracing legislative subjects, are not equal to laws. In the clause which declares the constitution, laws made in pursuance thereof, and treaties made under the authority of the United States, the relative character of each is not designated; and it may be as readily contended that treaties are equal to the constitution, as that they are equal to laws. If they are equal to the constitution, then, according to the doctrine on the other side, being last in point of time, they must repeal and supersede whatever comes in conflict with it. In relation to treaties, it is not even declared that, in order to become the supreme law, they shall be made "in pursuance to the constitution." This, to my mind, proves satisfactorily, that the clause in question did not intend to fix the relative quality of the constitution, laws, and treaties; but to leave it to that construction which the nature of those acts and the character of the Government would readily suggest.

Permit me now to examine the extent to which the doctrines advanced on the other side would lead us. It has been said that the cases which have been suggested in argument to show the vast and almost unlimited power conferred on the President and Senate by the construction contended for in opposition to the bill, are extreme, and ought therefore to be rejected. But to me it appears obvious, that to test the correctness of any principle, you ought to look to the consequences to which it will lead. One honorable member (Mr. CALHOUN) has contended, that treaties are superior to acts of Congress, and another, (Mr. PINKNEY,) that they are equal; though there is a difference in the force of these opinions, in substance they are the same. They amount to this, that a treaty repeals all laws opposed to it, and that it executes itself. The latter gentleman has indeed admitted that it may sometimes be necessary to pass a law to execute a treaty, but not because there is a defect of power on the part of those who make

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the treaty, but because its stipulations may not be sufficiently definite. These opinions tend to the utter subversion of the legislative power, at least so far as it is vested in this House. Let us see their tendency. The constitution has confided in Congress the power to regulate commerce with foreign nations. On this subject, so highly interesting to the people, their representatives are invested with the right to judge and determine what particular regulations are most conducive to their prosperity. But the opinions stated on this floor authorize the interposition of the President and Senate at any time to supersede this right partially or entirely, at their discretion; partially, by making treaties of commerce with some nations; entirely, by making treaties with all who have any commercial intercourse with us.

According to the honorable member from Maryland, (Mr. PINKNEY,) if this House should refuse to raise a large military force required by the President, he may accomplish this object by negotiating a treaty with some foreign power, in which the raising of such force shall be made a stipulation. It is only necessary to make the treaty sufficiently definite; to stipulate the number of regiments, the number of companies in each, and the number and quality of the officers to be employed, and the force, with the consent of two-thirds of the Senate, will be immediately raised; the treaty will execute itself. Should money be wanting to accomplish the object, it may be obtained in the same way by treaty—a thing not unusual among other nations.

Let me pursue the subject. The constitution has granted to Congress the power to declare war. In the exercise of a power in which every thing dear to the people is involved, which causes their blood to flow and their hard earnings to be wrested from them, the co-operation of the Representatives was wisely required. But a treaty may make war without their consent, if we admit the construction contended for. A treaty with a foreign power may stipulate that we shall make common cause with her against her enemy; the public force will be employed accordingly, and the country thus brought into an actual state of war. The same construction will authorize the President and Senate to lay and collect taxes, duties, imposts, and excises. Many cases might be supposed illustrative of this position. I will beg leave to state one only. Suppose, in the treaty of commerce with Great Britain, it had been stipulated that British cottons and wollens should pay a duty of ten or fifteen per cent. *ad valorem*, in the ports of the United States, and that French goods of a similar description should pay forty, fifty, or sixty per cent. Here it is most obvious that the duty which the people of the United States would pay, above the ordinary duty imposed by law, would be levied on them without the consent of their Representatives, though the constitution expressly provides, not only that their assent shall be necessary, but that all

bills for raising revenue shall originate with them.

Congress are authorized by the constitution to establish a uniform rule of naturalization. In pursuance of which, they have passed laws for the purpose of admitting foreigners to the rights of citizens, on certain conditions: among other things, a residence of five years is required. But if a treaty is equal or superior to an act of Congress, a whole foreign nation may be naturalized by treaty.

The constitution has committed to Congress the duty of defending the country against foreign and domestic violence, and for that purpose has given them power "to raise and support armies, and to provide and maintain a navy." Suppose a treaty should be made with a foreign nation, in which it should be stipulated that our army should be disbanded, and our navy dismantled, and that no other similar force should be substituted; would the treaty disband the army and dismantle the navy without any legislative provision? If so, then the President and Senate have the entire control of the public defence, and may lay wholly prostrate a most important power belonging to this House.

The construction contended for will authorize the President and Senate to incorporate a foreign territory as a member of this Union. By the constitution, Congress are empowered to admit new States; but if a treaty supersedes legislation, then it most unquestionably follows, that, by a compact with a foreign nation, foreign territory may be ceded and admitted into the Union, invested with all the privileges of a State.

From a candid and serious consideration of the extent to which we should be led by the high-toned doctrines which have been advanced, I cannot for a moment admit their correctness. Can it be possible that it could ever have been in the contemplation of those for whom this Government was formed, that the powers of their Representatives should be superseded whenever it should please the President and Senate to dispense with them? Is it rational to suppose that the constitution, which recognizes the sovereignty of the people, should intend that a foreign nation, nay, (as has been justly remarked,) a Chickasaw chief, might be substituted for this House, and, as to all the powers given by the constitution, act in its stead? I think it far more consistent, more reasonable to insist, that all legislative acts, designated as such in the constitution, must receive the assent of all the constituent branches of the Legislature.

It has been conceded by some gentlemen, in the course of this discussion, that an act of Congress is necessary to execute a treaty which provides for the expenditure of public money; but that this is the only case. I can see no reason for this distinction; the Treaty with Great Britain, now before the House, stipulates that the discriminating duties, as it respects British vessels, shall be abolished; in conse-

quence of which, our revenue will be considerably diminished. Is there any substantial difference between drawing money from the Treasury, and preventing an equal annual amount from coming into it? If the President and Senate can impose taxes and duties on the people, why not exercise a power far inferior, and apply their proceeds to such objects as they think proper? If a treaty in every other respect is equal at least to an act of Congress, why not in this? Why may not money be appropriated by treaty, when, according to the sentiments of gentlemen, it is the law of the land? It has been said, that the powers of this House are operative only in ordinary cases, where no treaty provides for the same object. With equal propriety may it be said, that the clause of the constitution which directs that "no money shall be drawn from the Treasury but in consequence of appropriations made by law," applies only to ordinary cases of expenditure, and not when a treaty stipulates for the payment of money.

It has been strongly urged, that because a treaty of peace puts an end to the war, without the concurrence of this House, it follows that a treaty repeals an act of Congress, as the war must have been declared by that body. But I do not consider a declaration of war as a legislative act; it is not so deemed in Great Britain; and there is nothing in its nature which gives it that character. Among civilized nations, it has long been usual, as well to apprise the adversary nation that in future she will be treated as an enemy, as to manifest a direct respect for the opinions of mankind, to state in a public manifesto the reasons which had provoked a resort to arms. In imitation of this practice, the constitution had authorized Congress to declare war; but the effect of a declaration of war is nothing more than that those who have the direction of the public force become authorized to employ it against the declared enemy. It establishes no new law. During the continuance of the war, the public law of nations must regulate the conduct and the rights of the parties. To put an end to such a state of things, municipal legislation is not competent; it can only be effected by mutual compact between the contending nations.

It will be readily perceived, that if a declaration of war is not a legislative act, then it is not subject to be repealed, as such acts ordinarily are: and the only way in which an end can be put to it is that already mentioned. According to the understanding of all, to declare war is a distinct substantive act; and to make peace is another. We never heard of peace being made by annulling a declaration of war; hence I conclude, that to make peace is not among the delegated powers of Congress, either express or implied; and that, therefore, a treaty of peace neither repeals a legislative act, nor interferes with any of the powers belonging to this House.

Mr. HOPKINSON spoke as follows:

Mr. Speaker, I am indeed sincere, when I assure you and this honorable House, that I am most reluctant, at this late hour of the day, the usual time of adjournment, to solicit your attention to some remarks upon the bill now offered for your sanction, and which must now receive that sanction or a decisive rejection. In an early stage of this business, I gave to your consideration a few observations in opposition to the bill, which were the offspring of the moment, having neither the maturity of reflection, nor the strength of arrangement. Since then, however, the bill has assumed a shape of greater magnitude; and the discussion of it has developed principles so interesting and important; discriminations so various and minute; and positions so novel and contradictory, that I should feel myself wanting in duty, were I to refuse the only opportunity I can ever have of bearing my voice and testimony against them. Before, however, I presume to hope for your indulgent attention at so late a stage of the debate, that every member was looking for the question to be put; and so late an hour of the day, that we are all weary of these walls, I beg leave to remind you that the debate on this bill was not renewed by the minority; after it was ordered to be engrossed for a third reading by a very considerable majority, as far as I know, no further attempts would have been made to arrest or impede its progress, because no rational hope existed of finally preventing its enactment. The victorious majority, however, were not satisfied to let this matter go to rest in this way; for I beg you to recollect that, when the bill was presented to the House for its passage into a law, three gentlemen of the majority thought it necessary to address the House in support of it, before a word was uttered from us to impeach it. Was it not natural, then, that this over anxiety about the fate of a bill, sanctioned already by so large a vote, this renewed exertion to support that which was already so strongly supported, should excite in us a suspicion that a weakness was felt somewhere, which it was our duty to seek for and expose; that some vital defect existed in the cause or the argument which gave this alarm, and called for additional aid? Or was it, Mr. Speaker, that the majority, not content with the triumph of success, not satisfied with the prostration of the adversary, would thus pursue and assault him, defeated and overthrown? If this was the feeling which stimulated the honorable gentlemen to a renewal of the conflict, surely we may be pardoned for repelling the attack with all our powers, and rousing our energies to the utmost exertion of resistance. If, then, there has been waste of time, and fatigue of spirits in the continuance of this debate, surely we stand acquitted of the fault and its consequences. This, however, of itself, I confess, would not be a sufficient apology for my intrusion upon your attention again; unless I may add to it the belief, that I may still present the case in some aspects, in which

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it has not yet been presented. I will assuredly not recur to the ground taken by me in my first address.

Let me entreat the House to bring back their attention to the true and single question to be decided on; and to that instrument by which that decision must be governed and directed. We are not now sitting in convention to frame a constitution for the United States; but in Congress, to pass a law under a constitution already framed. This law we must conform to that constitution; and we are bound to submit to the distribution of power as made by the constitution, whatever our opinions may be of its wisdom, its expediency, or its consistence with the rights or claims of the popular branch of the Government. We must inquire what the constitution is, and not what honorable gentlemen may wish it to be. After, therefore listening, with due respect and terror too, if you please, to all the doubts and dangers, suspicions and jealousies, forebodings of ruin, and execrations of sectional power, which ingenuity may suggest, or imagination give birth or shape to, we must at last lay down all this extravagance, dismiss all these phantoms, and soberly take up this little book, the constitution; examine what it commands to be done, and make up our minds to submit to it. We must not amuse or deceive ourselves with large estimations of our own power and importance, claiming, as some gentlemen have done, the sovereignty of the people to reside in us, but calmly consider ourselves as acting under a delegated, limited, distributed authority, which gives to us all we have, and marks the extent of it; and which, with equal right and independence, gives to the other branches of this confederated Government their powers and their limits also. To this great authority, this charter of our powers and our duties, we must all submit, and I cannot question that every member of this House has a ready and willing disposition to conform himself and his vote to the directions here given; I confidently believe that I have but to satisfy them of the truth of the construction we contend for, to be secure of their acquiescence in it.

How stands the question, then, under and by the constitution? How do the principles and arguments of the supporters of the bill abide this test? I state the question to be, "whether a treaty, constitutionally made, does or does not repeal a law, inconsistent with it, also made constitutionally?" This puts the case fairly and simply before the House. A treaty, admitted to be on a subject within the treaty-making power, not in conflict with any of the provisions of the constitution, nor overstepping any of the marked boundaries therein set; and concluded, ratified, and exchanged, in the manner, by the authorities and under the forms prescribed by the constitution; is in opposition or contradiction to a municipal law enacted by Congress, in the ordinary course of legislation; and the question is, whether a treaty thus made subsequently to the law, does not, of itself, repeal the law; or

must the authority of the House be called in aid of the treaty to repeal and remove the law in conflict with it? I will now, sir, state, with equal precision, the position I mean to maintain in the argument of this question. It is this: that there is no possible case, real or imagined, in which the vote or sanction of this House is necessary, or can be effectual, either to confirm or destroy a treaty thus made. There is no case under the constitution in which this House ever can have a direct control, an affirmative or negative vote on the validity or invalidity of a treaty. A treaty may fail to have effect; its execution may be prevented; but its validity as a contract, legal and binding, cannot be touched by this House. It may be a broken, a violated contract, but it is still a contract. When something is necessary for the execution of the provisions of a treaty, or some of them, which something is exclusively within the power of this House, it may indeed be refused; but this affects not the nature of the contract, which received its character, its constitutional efficacy and obligation from the hands of the President and the Senate, who have been intrusted by the people with the power thus to bind them. This House may, in the exercise of their power over some collateral matter, as money, for instance, interfere with, and perhaps prevent, the fulfilment or execution of a treaty; but they do it by a violation of the public faith, and not by invalidating the treaty which bound it. They may refuse to grant the means necessary to the performance of the contract, but they cannot decree it to be no contract. The same thing, sir, may happen in private life, in the common transactions of men. One may solemnly make a contract, and daringly refuse to fulfil it; but is it, therefore, no contract? He may, indeed, be unable to perform it, but can he, therefore, say he was never bound? Believing it to be in my power to obtain a certain tract of land, or a quantity of stock, I bind myself, for a good consideration, to sell and deliver it to another. I afterwards find I cannot induce the holder of the land to part with it, or cannot procure the stock. Shall I, therefore, say to the disappointed and abused party with whom I made this engagement, that I am no longer bound by it; nay, that it never was a contract at all, because I made a bad calculation of my means to perform it, although I made no such restriction, reservation, or condition, with him? Assuredly not. So, when the Republic, by her constitutional organs, which is in fact, by herself, has made, concluded, ratified, and exchanged a treaty with a foreign power, shall she nullify and avoid it, *ad initio*, by declaring her inability to induce another branch of her power to furnish the means necessary to its execution? With what indignation and contempt would such a pretence be received by the other party, and by the world? But, it is asked, what is a contract that cannot be enforced; a treaty that cannot be carried into effect? I answer, sir, that, in the case of the individual, the courts of

justice would punish this hardihood of fraud; and, in the case of nations, there being no such common arbiter to do and compel justice to be done between the parties, the faithless one must stand ready to defend her breach of faith with the sword of her citizens and the waste of her treasures, amidst the scorn of the world. She must look to the "*ultima ratio regum*" for her justification and support; and she must abide this solemn appeal with a bad conscience, in a bad cause. But, sir, before this appeal, and during the appeal, and after it, be its result what it may, the original soundness and validity of the contract remains unimpaired and unimpaired, by the chances or the issue of an unjust contest in defence of a violated faith.

Permit me, sir, to recall your attention to the circumstances of the British Treaty of 1794, which has been resorted to as a text of argument on both sides of the House. That treaty was negotiated by a Minister duly authorized, and was afterwards, with all constitutional form and ceremony, ratified and exchanged by the President, by and with the advice and consent of the Senate. The merits and provisions of the treaty were afterwards examined and discussed with unusual animation, not to say violence, in the House of Representatives. But how was this done? Was the treaty ever laid formally before them for their concurrence or opinion? Was the advice of the House asked, as to the expediency or in expediency of any of its provisions? Was the question, treaty or no treaty—ratify or not ratify—ever placed before the House, in terms or in substance? Did any member, the most abhorrent of the measure, ever dream of propounding such questions for the decision of the House? And yet such would, and ought to have been the case, if any had imagined this House had a voice in affirming or rejecting a treaty, or a control over the President and Senate in making one. But it happened that something was wanted, not to consummate the validity of this treaty, or give it a legal existence, and a binding force, but to carry some of its provisions into effect. And what was that something? Not the assent, the confirmation, the fiat of this House, but its money. It is worthy of remark, that the objectionable parts of the treaty were not those that required this money; but its opponents could come at the provisions they disliked, but which required no appropriation of money, only through parts they did not dislike, but which did require such appropriation. Why, then, in this sideway, this indirect assault, did the enemies of that treaty endeavor to overthrow it, or rather those parts of it to which they are hostile, if they had a constitutional right to make a direct attack upon it; to withhold their confirmation, without which it could have no binding operation; to impose their veto, by which the whole would perish? But, sir, neither the treaty, nor any of its provisions, was ever distinctly before them; no resolution or bill, either to affirm or reject it, was ever

propounded or offered to the House. Why did not those gentlemen, with the constitution in their hands, march boldly up to the attack, and assert directly their right to pass upon a treaty, as such, and to grant or refuse it the force and obligation of a law and a contract? An attempt so extravagant never was made or hinted at; after a struggle of extraordinary pertinacity, at last the House of Representatives did, as I trust they will always do, yielded to their constitutional duty, and gave the money required. But, sir, to bring the principle now in controversy to a test, suppose that the House had refused the money, would the treaty have been no longer a treaty, or rather did it wait the assent of that House before it became one—before it had the character and obligations of a national compact? Assuredly not; for I fear no contradiction when I assert, that if the House had so refused, and the President could have procured competent persons to perform the duties of the Commissioners, to be appointed under the treaty, and for whose compensation the money was wanted, without compensation, he might have done so. He ought to have gone on to execute and fulfil the stipulations of the treaty, and the whole would have been binding on us all, as the "supreme law of the land." Will any gentleman deny this; and, if admitted, does it not decide the question—I mean the general right of the President and Senate to make a treaty, uncontrolled by the power of this House? And if a treaty be well made and fully consummated, under the authority of the President and Senate, it becomes, by the express words of the constitution, the supreme law of the land; and, being the law, it must necessarily have the most obvious and essential effect of a law; that is, to repeal or renew all prior laws inconsistent with it. The last declaration of the will of the nation, if properly made, must, by an obvious necessity, abrogate a former declaration in contradiction to it; and thus, to return to the question originally proposed for discussion—a treaty, constitutionally made, may repeal a prior law also constitutionally made. To say it is a law, but that it has no power to repeal a law, is to deny it the first and most essential principle and quality of a law; is, in truth, a contradiction in terms utterly irreconcilable and incomprehensible.

SATURDAY, January 13.

Commerce with Great Britain—Treaty-making Power.

The House resumed the consideration of the question depending yesterday at the time of the adjournment, to wit: Shall the engrossed bill "to regulate the commerce between the territories of the United States and of his Britannic Majesty, according to the convention concluded on the 3d day of July, 1815," pass?

Mr. JACKSON said he regretted that he had consulted his feelings more than his judgment, when he last evening expressed a wish to sub-

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mit some remarks upon the question before the House; a wish, prompted by the impulse of the moment, after hearing the ingenious argument of the gentleman from Pennsylvania, which seemed to him to require a reply from those who thought, as Mr. J. did, that this bill was indispensably necessary to carry into effect, with good faith, the provisions of the treaty. Mr. J. remarked, he was the more reluctant now to occupy their time, after the arguments just delivered by his friend from Georgia, (Mr. Forsyth,) in reply to the gentleman from Pennsylvania; but as he had given a pledge to the House, he would proceed briefly to redeem it, with the express reservation, that if, in the course of his remarks, any manifestation of impatience occurred, he would instantly terminate them. I differ, said Mr. J., from gentlemen who conceive that the question before us, in consequence of the coincidence of opinion in regard to the treaty, possesses no interest in reality, or in the view of those who are called upon to decide it. It is true, and it is not less fortunate than true, that thus far the discussion has been conducted upon liberal principles, involving only the consideration of what is a just interpretation of the constitution, without the baneful influence of party animosities; yet it cannot be doubted that the question is really and intrinsically of vast importance, as has been amply developed by this discussion. And I consider the decision which shall be pronounced now, as calculated to fix, perhaps for ages, the interpretation of the constitution in relation to one of its most important provisions; it will not only try the opinions formerly advanced, by an unerring test, but being given in the same age which gave birth to the constitution, will possess all the weight of a precedent established almost contemporaneously with the charter. It is now too late to deny the influence of precedents in a free Government. Perhaps, whatever exists of value in the British constitution is the authority of precedent; an authority so highly esteemed, as to give rise to the legal maxim, that "*communis error facit jus*," that it is better to acquiesce in an erroneous interpretation, long settled and become a rule of decision, than that the rights of society should be put at hazard by a disregard of all former opinions by the expounders of the laws and the constitution.

I regard this as a striking illustration of the idea, that the powers of genius and eloquence are so transcendent as to set all the sober maxims of reason at naught, and by the magic of their influence "make the wrong appear the better reason." And although I listened with constant attention to the fine specimens we have had of that high prerogative, I will not say I attended with pleasure to the splendid exhibition of talents by the gentlemen on the other side of the question; for in proportion to their strength are their arguments dangerous—hurtful. The wound inflicted by a gilded dagger is oftentimes more mortal than that produced by a

lead bullet. This is the age of reason; and the politician who seeks for fame must address himself to the judgment of the community; he must convince by his arguments, rather than delight by his oratory; and he that gives a wrong bias to public opinion by the display of extraordinary abilities, is more to be dreaded than the man who rails against the principles of the Government, and openly endeavors to subvert it. In all Governments having a written constitution, much, very much depends upon its faithful interpretation; and yet, unfortunately, the interpretation which is given almost always partakes of the predilections of those by whom the instrument is expounded. Some good men think that a main defect of our system consists in the inadequacy of the powers of the Executive, and hence, on all questions involving their consideration, they give a construction calculated to increase rather than to restrict them. And to this cause alone do I ascribe it, that we hear doctrines avowed which render all the great powers of legislation a nullity and which bind the nation hand and foot to the car of the Executive, and the counsellors of the Executive, in the exercise of the treaty-making power.

In order to arrive at a just conclusion, the proper mode is to regard the constitution as obligatory upon us—to indulge in no speculative theories as to what it ought to be; "*ita lex scripta est*," and as it is written so let it be expounded. Perhaps it is due to candor that I should state my opinions upon the extent of the Executive power also, in order that the rule I am applying to others may have its proper weight in estimating my arguments; with that view alone, I declare my firm conviction to be, that the Executive authority is already strong enough—it wants not the aids or props of construction; and if the question under discussion were as to the competency of the Executive authority upon a motion to amend the constitution in that particular, instead of being a question as to its extent merely, I believe it would be decided again that no principle of public liberty required any addition to the grant of power already defined by that instrument.

I say, sir, that the doctrines advocated do annihilate the legislative powers of Congress, and convert us into a mere registering body. Let me state some of the positions advanced, and see if I am not justified in this opinion. It is said—

1st. That the treaty-making power is unrestricted, and exceptions to it are by construction merely.

2d. That it is a complete power independently of the Legislature, and where its fulfillment requires legislative enactments, they are compelled by the treaty to preserve our faith, as the payment of a debt, or the conveyance of land, when stipulated for by a competent authority.

3d. That this treaty requires no further sanction to give it validity.

4th. That it was promulgated by the President as a valid and obligatory instrument, requiring no legislative aid.

5th. That this is not a bill auxiliary to, or giving effect to the treaty, and is therefore useless.

6th. And that the security we have against the abuse of this vast power is in the public opinion, which, it is said, is ample security.

I will examine each of these propositions in the order now presented.

The first is, that the treaty-making power is unrestricted, &c. Regarding the constitution as an entire instrument, in which every provision was intended to have effect and harmonize with all the others, and that no superfluous terms or phrases were used by its framers, I perceive a restriction on this power in the grant itself, which relates to treaties, and defines their force when made, viz: The President shall have power to make treaties; "and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law," &c. The term "under," is synonymous here with pursuant to, in obedience, or in conformity with; for if it had been designed to be without limitation, other words, less significant in their meaning, would have been employed—but waiving this suggestion, which may be objected to as a mere criticism, I will say, it is restricted by many prominent provisions of the constitution, namely: in all the instances where the exercise of a general power is prohibited to the United States, as in the cases enumerated by the 9th section of the 1st article, which declares that no tax shall be laid on exports, &c., and it is restricted also by other provisions, whereby an express power over other specified objects is given to the Congress of the United States; and it is wholly incompatible with the plainest rules of construction, that a power expressly granted, can be annihilated by inference and interpretation merely, which would be the effect of permitting the treaty-making department to supersede the legislative authority in all the cases enumerated in the 8th section.

In this section it is declared Congress shall have power to declare war, to raise armies, to provide a navy, &c. If, however, the President and Senate shall approve a treaty of offensive and defensive alliance, they may thereby involve us in war, and stipulate that our contingent shall be an army of twenty or fifty thousand men; several ships-of-the-line; a subsidy of many millions, and whatever else they shall conceive conducive to the attainment of the objects of the treaty—a consequence to which the doctrine avowed will indubitably lead us, and which will as clearly usurp all the great legislative powers of the Federal Government. An argument is urged by the advocates of this construction, which depends for its correctness upon the influence and extent of the provision which declares that treaties shall be the supreme law of the land. It is said there are no grades in supremacy, and a supreme im-

plies a subordinate power; that the treaty power being supreme, the legislative power must yield to it, or if the powers be equal, the treaty repeals all laws, heretofore in force, conflicting with its stipulations. The fallacy of this reasoning is demonstrated by referring it to the test relied on, viz: the provision in the constitution declaring the effect of treaties, &c. Its language is, "this constitution, and the laws of the United States, which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." It is not treaties merely which are declared to be the supreme law of the land, but the Constitution and the laws of the United States also. The constitution is first named: It shall be the supreme law; it is supremest of these supremes, and fully establishes the reverse of the proposition that there are no grades in supremacy; for example, it is admitted that a treaty stipulation directly repugnant to an express prohibition, is void, unless it is because the constitutional charter is paramount to treaties conflicting with it. And how are these supreme laws marshalled? I answer, according to their grades of supremacy: 1st. The constitution; 2d. The laws of the United States; and 3d. The treaties—according to a familiar maxim, "*qui prior est tempore potior est jure*," if the laws conflict with the constitution, they are *ipso facto* void; if treaties contravene existing laws, they are invalid, until the laws are repealed. It is said, as the power to make commercial treaties is not withheld, it constitutes a portion of the general grant "to make treaties." It is not denied by the advocates of this bill, that this position is a sound one; on the contrary, we admit its truth; we say it exists as all other subjects within the legitimate objects of conventional agreements, subject to the limitations or controlling power defined in the constitution. To illustrate my opinion, the President and Senate may, by treaty, agree to regulate our commerce with a foreign nation, because its regulation comes within the scope of the treaty-making power, subject, nevertheless, to the subsequent sanction of Congress, without which it is invalid, because "Congress shall have power to regulate commerce with foreign nations." The direct power is given to Congress, in positive terms—the indirect, subordinate power is given to the President and Senate by inference only! Here the rule of construction I have referred to, comes in aid of our doctrine, that an express grant shall not be defeated by implication, if the intention of the grantor is unequivocally manifested in its favor.

I come now to the second point in the order of my arrangement, viz: that the treaty-making power is complete, and independent, &c. In my answer to it, I will ask, what is meant by the terms so frequently used, "Congress shall have power?" And what is intended by the phrase *power* there employed? I suppose it

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is synonymous with *right* or *discretion*, and means a legislative *control* over the subject delegated, and does not imply *compulsion*, *obligation*. And yet we are told, if the fulfilment of the treaty requires legislative enactments, they are compelled by the treaty. I do not speak of a physical compulsion, but a moral obligation; for, if our honor binds us to make the grant, no one pretends that it should be withheld for a moment. The argument on this point was illustrated by supposing two cases—the one where a debt was contracted by a competent agent; the other where an agent sold land in behalf of his principal, under a power which did not authorize the sale. Although in the latter case it was admitted the principal was not bound, yet it was contended there was nevertheless a valid contract. In the first case it was said the debt must be paid, and in the second, you must convey the land to save the agent harmless. Sir, these cases are not apposite. Here the contract is inchoate; the debt is not yet contracted; we gave no power to sell the farm; and are not bound to make good the engagements of one that transcended his powers. But, foreign nations, it is said, regard us as bound, and our faith as pledged to them, whenever a treaty is ratified. This consideration will always render the question an extremely delicate and highly responsible one, and no doubt will have due weight in determining the House of Representatives as to the propriety of passing the necessary laws. I cannot, however, admit that any civilized nation is so ignorant of our institutions as to suppose that a treaty, when ratified by the President, with the advice of the Senate—no matter what are its provisions—is *ipso facto* obligatory, and that a refusal by Congress to carry it into effect would violate the national faith. After the refusal of the British Government to ratify the Erskine arrangement, for making which so much praise was bestowed on the President, until it was ascertained that his Majesty did not approve of it, it will be recollected that the opposition party changed their tone from praise to censure, and excused the British for a non-compliance, because the Minister had not obeyed his instructions, and condemned the President for treating with him without requiring the production of his *patent powers*. Our treaty powers are *patent*; they are defined by the constitution; they are limited in it. The agent who contracts for his principal, producing his powers, binds him only as far as they go; beyond them he appeals to the discretion of the principal alone; there is no contract, and the party trusting to it has no right to complain if the agreement shall be rejected. It is a well-known rule, that where an agent contracts for the Government, he is not individually liable if he had authority to contract, and it falls within the same principle that he is not liable if he produce the power under which he makes an agreement, and signs it as agent. In the first case, the Government is bound by a valid contract; in the second

case, the Government is not bound, as it gave no power, and the individual is not, because he suppressed no fact, he suggested no falsehood, he annexed his letter of attorney to the agreement, and signed it as agent.

The third position assumed is, that the treaty requires no sanction; because, says the gentleman from Pennsylvania, (Mr. HOPKINSON,) all prior conflicting laws are repealed by the treaty. The repeal of a law, as has been shown, is a legislative act, and all legislative powers are vested in Congress. The conclusion is, therefore, irresistible, that the argument is erroneous. Another remark is, that there is no instance of the question being put, whether a treaty or no treaty; that in 1795 this House only claimed the right to withhold or grant money to carry the treaty into effect. So in this case we say as it proposes to regulate commerce by repealing the discriminating duties, we have the right to decide upon such repeal, and do not decide the question of treaty or no treaty either. And this for a plain and obvious reason; it does not comport with the practice of the House, or rules of legislation, to decide an abstract proposition. The only departure from this rule, that I recollect, was when, in consequence of the outrageous edicts of Great Britain and France, this House solemnly declared, by the votes of all the members except two, (and these two opposed the declaration on the ground that it was an irregular course,) that the United States could no longer submit to those edicts without a sacrifice of their rights, honor, and independence. It is said, also, that when the treaty power is violated, the check is not here, but in the constitution. Certainly, sir, it cannot be denied that if we permit the constitutional powers of the Legislature to be usurped, without an effort to maintain them, we cannot answer for our conduct to our consciences or to our country. We stand here as the sentinels of the people to challenge all hostile attempts to invade their liberties, all hostile attacks subversive of the constitution.

Mr. HUXE rose, he assured the House, not to take a part in the debate, nor to offer any arguments of his own. It would be unpardonable in him to do so at that late hour, when the patience of the House must be so nearly exhausted; and the subject had been discussed so ably, so fully, and, as it appeared to him, so unanswerably, on that side of the question which he should support by his vote. Yet, as it had escaped all those who had preceded him, he could not refuse to himself the gratification, before the yeas and nays were taken, of directing the attention of the House to an authority which (if the arguments already adduced had not produced conviction on every mind) could not fail to decide the point at issue, and under the shadow of which he should at all events be most happy to record his name. Gentlemen themselves, he was well satisfied, would feel indebted to him, late as the hour was, for offering to their consideration, before the final vote

was taken, the extracts he was about to read from the book he had in his hand, when he informed them that they were from the pen of the immortal WASHINGTON.

Without further preface, therefore, he begged leave to refer gentlemen to the journals of the 4th Congress, page 198, in which they would find recorded President Washington's Message accompanying the Treaty with Great Britain, or, as it is usually called, Jay's Treaty of '94-'5, in the following words:

[Here Mr. Huger read the message of President WASHINGTON.]

Mr. HUGER said he would not venture to add a single word more on the subject, but resume his seat, lest, perchance, some observation of his might draw the attention of the House from the extracts he had just read, or weaken the effect of the opinion in regard to the point at issue between honorable gentlemen, so unequivocally given by that immortal man, who was by all acknowledged to have been equally the founder of this great Republic, and the father of that constitution they were about to interpret.

Mr. RANDOLPH and Mr. WRIGHT followed in some remarks; when the question on the passage of the bill was taken, and decided in the affirmative—yeas 86, nays 71.

MONDAY, JANUARY 15.

Several other members, to wit: from New Hampshire, WILLIAM HALE; from Massachusetts, ASAHUEL STEARNS and ARTEMAS WARD; and from New Jersey, BENJAMIN BENNETT, appeared, produced their credentials, were qualified, and took their seats.

The Revenue.

The House, on motion of Mr. LOWNDES, resolved itself into a Committee of the Whole, on the report of the Committee of Ways and Means on so much of the President's Message, and the annual Treasury report, as relates to the revenue.

The first resolution having been read, in the following words, viz:

Resolved, That it is expedient to continue in force, until the 30th day of June next, and until an act shall be passed establishing a new tariff of duties, the act, entitled "An act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place, and for other purposes;" passed on the 1st of July, 1812.

Mr. LOWNDES gave a general explanation of the views of the committee in regard to this resolution; referring, for the grounds of it, to the instruction given to the Secretary of the Treasury to report a tariff of duties, and the implied intention of the Congress to act on that subject at the present session.

Mr. SERGEANT explained the grounds of his hostility to the present form of this resolution. The period to which it was proposed to extend the double duties, and the terms in which it

was conveyed, he considered very objectionable, as well on account of the mercantile as of the manufacturing interest. As to the one, it would introduce an uncertainty prejudicial to their business; and, as to their manufacturers, he apprehended the effect of the resolution would be to alarm the whole manufacturing interest, which was now looking up to the Government for additional support, instead of expecting an early reduction of the existing duties. Mr. S., under these impressions, moved to strike out of the resolution the words, "the 30th day of June next, and until an act shall be passed establishing a new tariff of duties," and, in lieu thereof, to insert "the first day of January next."

Mr. HUGER opposed this motion, on the ground that it, proposed to collect heavy taxes from the agricultural part of the community, the consumers, in order to accommodate the merchant who happened to have executed orders abroad. Mr. H. though friendly, as he remarked in the course of his speech, to commerce and manufactures, could not consent to tax his constituents, during peace, for the benefit of the merchants, to the same extent as was thought necessary under all the pressure and exigencies of the war.

Mr. WRIGHT went still further than Mr. HUGER in his opposition to the continuation of the double duties. He was opposed to continuing them a single day beyond the time already fixed for the expiration of the law. He was opposed to taxing the great body of the agricultural community in any way that could possibly be avoided, merely for the benefit of merchants or manufacturers. He was opposed to heavy taxes, proposed to be continued, in any shape, because he did not consider it necessary for any valuable purpose; and he appeared to be very positive in his opinion, that the interest of the merchant and manufacturer were not a sufficient motive for perpetuating oppressive taxes on the landed interest, &c.

The question on Mr. SERGEANT's motion was decided in the negative, without a division.

The second resolution, in the following words, being under consideration, viz:

Resolved, That it is expedient to continue in force the act, entitled "An act laying a duty on imported salt; granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries;" passed the 29th of July, 1813.

This resolution was agreed to by a majority of more than three to one.

The third resolution, in the following words, was then read:

Resolved, That it is expedient to continue in force the act, entitled "An act laying duties on sugar, refined, within the United States;" passed on the 24th of July, 1813.

Mr. HUGER moved to reject this resolution. Sugar, in some countries a luxury, had become in the United States, he said, a necessary of life; besides which, it had become one of the princi-

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pal manufactures of the nation. But this was not all; by the effects of embargoes and war for some years, and now, by our exclusion of our ships from the West India Islands, sugar had become so dear as to be obtained with difficulty; and refined sugar in particular, so scarce, that it could not be had sometimes for money. At Charleston, he had sought at one time for some refined sugar, and found that there was not a loaf to be had in that city, while in Philadelphia the sugar refiners, he understood, had given up their work.

Mr. LOWNDES said, that the expenditure of the Union on refined sugar did not exceed \$150,000 a year. Such a sum, paid too generally by the opulent, could not, he said, be oppressive.

The resolution was agreed to by a large majority.

The fourth resolution for continuing the present stamp duties on bank notes, &c., came next under consideration.

This resolve was opposed by Messrs. STRONG, WRIGHT, and MILNOR, on account of the insignificance of the proceeds thereof, when contrasted with the inconvenience to which it puts the community, and the partiality of its operations. To which arguments, Mr. SOUTHERD, as well as Mr. LOWNDES, replied, denying the justice of the character given to the tax, and asserting its facility of collection, and operation on wealthy or moneyed men, as giving it a preference to almost any other tax embraced in the system.

The resolution itself was then agreed to by a large majority.

The fifth resolve, which proposes to abolish the additional duty on postage, was then taken up and agreed to by a large majority.

Mr. LOWNDES suggested that the committee should rise and report these resolutions to the House, before acting on the remainder of the report. The resolutions already agreed to, applied to laws which will expire on the 18th of February, and he wished them to be referred to the Committee of Ways and Means, in order to report bills conformably thereto.

TUESDAY, January 16.

The Revenue.

The House resumed the consideration of the report of the Committee of the Whole, on a part of the propositions of the Committee of Ways and Means, respecting the revenue.

The question before the House was (as on the adjournment yesterday) on an amendment moved by Mr. GOLDSBOROUGH to the resolution proposing the continuance of the double duties until June next. This amendment of Mr. GOLDSBOROUGH proposed to strike out so much as proposes to continue the double duties until a new tariff shall be established by law.

The question then recurred upon Mr. GOLDSBOROUGH's amendment.

Mr. WRIGHT, of Maryland, spoke as follows:

Mr. Speaker, I wish to remind the House, that we are legislating for the nation, and not for the merchants and manufacturers exclusively, and that the good of the whole ought to be the pole star to guide us. I hope the time proposed for the extension of the double duties will not obtain; but the 17th of February next, the time fixed by the provisions of the law, which does not only fix the time to one year after the termination of the year, but expressly declares it shall continue "no longer," whereby the faith of the nation has been pledged to the American people that the double duties shall then cease. There is, no doubt, a portion of the people near the Canada line, who have been engaged in smuggling, who would make it perpetual, and thereby pocket the double duties; as the great inundation of tin-carts, during the war, filled with goods from Canada, will attest. But I should hope that honorable gentlemen on this floor would not countenance the continuance of so impious a practice. The merchants of Boston, with the highly respectable Mr. William Gray at their head, petition for the discontinuance of the double duties on the 17th of February, agreeably to the plighted faith of the nation, as they had directed their importations, so that they might arrive after the expiration of the law imposing them. Sir, I am prepared to adopt a sound corrected tariff of duties, but not prepared to continue, one hour, the double duties, in violation of the nation's faith.

Mr. GROSVENOR and Mr. HUGER spoke in favor of the amendment, and Mr. TAYLOR and Mr. LOWNDES against it.

It was contended, by the advocates of this amendment, that to retain the clause referring to a new tariff would introduce a looseness and vagueness in our laws, and produce an uncertainty as to the intentions of Congress, which would be prejudicial as well to individual as to public interest. By the opponents of the amendment it was contended that the present phraseology would mislead the public mind, and deceive interested individuals as to the views of Congress, which, unquestionably, favored the establishment of a new tariff; and would besides prejudice the public interest, inasmuch as a concurrence of circumstances, such as long discussion, clashing opinions on the details, &c., might protract the adoption of a new tariff of duties beyond the 30th of June, the time prescribed in this resolve for the expiration of the double duties.

Mr. RANDOLPH asked the Speaker if the question were not on striking out of the resolution the words "and until an act shall be passed establishing a new tariff?"—and on the Speaker answering in the affirmative—so I thought, said Mr. R., and yet I could not help doubting my understanding on the case. This is a limitation I have never before known or heard of. A law to remain in force, not to a particular time, but until a particular contingency shall have happened; until another law now in contemplation shall have passed! This, sir, is such a curi-

ty in legislation as I have not only never witnessed or heard of, but never so much as imagined; and as not only myself, but I do most potently believe, no man living, or that ever lived, did hear of. This question, sir, has been an old bone of contention between the two parties which divide this country, almost from the establishing of the constitution. It was always a principle obstinately maintained by the Federalists, that the power of taxing extended beyond this House, and that taxes might be imposed permanently; while the opposite party as obstinately contended that the power over taxation could not, constitutionally, be let out of the hands of the Representatives; or, in other words, that the makers of the constitution never intended to impart to the Senate or the President any right to impose taxes on the people. To every gentleman who knows the history of our Government, and to every member who has been familiar with this House and its proceedings for any considerable length of time, it is well known to have been the constant subject of controversy, or, as I said before, a never failing bone of contention, as much so at least as any other subject; and the point being now voluntarily surrendered by the very men who had ranged themselves on the side of those who maintained the exclusive right of this House to taxation, is to me a proof, additional to the many I have long had, that the time is come when the system of Mr. Jefferson, though it was the ladder by which the present Administration mounted into power, is to be departed from, both in practice and theory, in the conduct of public affairs, and that the great principles which governed the policy of Mr. Jefferson are to be entirely renounced. It is true of all free Governments—and it is still more true of that of the United States than any other in the world—that the House in which the people are represented should never yield to any other, in the slightest extent, the power over the purse. This, sir, is a Government of compromise, in the settling of which, we, the great States, stipulated, as the terms of the compromise, that the smallest of those States should be of equal weight with ourselves in the Senate, and in the election of a President greater than in proportion to their strength—a fact the House should never lose sight of. Let the Senate, then, do their duty, let them make those acts which by the constitution they are authorized to do—but let them not originate any money bills—never give that staff out of your own hands to be voted away by that body. I have infinitely less jealousy of the President, (I do not speak personally of him who now fills that office, I speak of the Chief Magistrate of the United States, whoever and whenever he may be,) than I have of the Senate. It is in human nature, sir; not having lawfully the power to originate money bills, on money bills they will be most likely to make attempts to evince their power; like all other bodies they will be animated by the impulse of the *esprit de corps*, and will exercise

it if you give them an opportunity. The question is, then, shall we give them that opportunity?

The motion of Mr. GOLDBOROUGH was finally agreed to, by a majority of about ten votes.

THURSDAY, January 18.

Colonization of Negroes.

Mr. ROBERTSON made a report on the petition of the Kentucky Abolition Society; which was read, and the resolution therein contained was concurred in by the House.

The report is as follows:

That, according to the petition, great numbers of slaves have been emancipated in different parts of the United States; that the number may be expected to increase daily; that they are not allowed the privileges of free citizens when they are emancipated, and are prohibited by law from emigrating to many of the other States and Territories; in consequence of all this, and, to use the words of the petition, as they are suffering many privations for the want of room and opportunities for the expansion of genius and encouragement to industry, they pray that a suitable territory may be laid off as an asylum for all negroes and mulattoes emancipated or to be emancipated within the United States; and that such donations, allowances, encouragement, and assistance, be afforded them as may be necessary for conveying them thither, and settling them therein. The committee beg leave to observe that the Government is not in the habit of granting such advantages to white citizens, nor can they well perceive why they should be expected in favor of those of any other color. The public lands of the United States are sold or earned by services rendered to the country; and all those who wish to reside on them have heretofore (as most probably they must continue to do) paid their own travelling expenses. The committee, too, cannot but believe that there is no part of our highly favored country where industry and economy will not insure to those who practise them an easy and independent support. The committee can see no cause for the interference of the Government on this subject; they have, consequently, prepared a resolution, which is respectfully submitted.

Resolved, That the prayer of the petition ought not to be granted.

The Revenue.

The House resumed the consideration of the unfinished business of yesterday, to wit: the 1st, 2d, 8d, 4th, and 5th resolutions attached to the report of the Committee of Ways and Means, of the 9th instant, upon the subject of Revenue; to which resolutions the Committee of the Whole have reported their agreement. Whereupon the House concurred with the Committee of the Whole in their agreement to the said first resolution, amended to read as follows:

1. *Resolved*, That it is expedient to continue in force, until the 80th day of June next, the act, entitled "An act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place, and for other purposes," passed on the 1st July, 1812.

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The question was then taken to concur, in like manner, in the second resolution, which is in the following words :

2. *Resolved*, That it is expedient to continue in force the act, entitled "An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries," passed on the 29th July, 1813.

And it passed in the affirmative—yeas 90, nays 43.

The third, fourth, and fifth resolutions were then again read and concurred in by the House; which said resolutions are as follows:

3. *Resolved*, That it is expedient to keep in force the act, entitled "An act laying duties on sugar refined within the United States," passed on the 24th July, 1813.

4. *Resolved*, That it is expedient to continue in force the act, entitled "An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions," passed the 2d of August, 1813; and also the act supplementary thereto, passed on the 10th day of December, 1814.

5. *Resolved*, That it is expedient to repeal, from the 3d day of March next, so much of the act, entitled "An act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by duties on sales at auction, and on licenses to retail wines, spirituous liquors, and foreign merchandise, and for increasing the rates of postage," passed on the 28d of December, 1814, as imposes additional duties on postage.

Ordered, That the said first, second, third, fourth, and fifth resolutions be recommitted to the Committee of Ways and Means, with instruction to report bills conformably thereto.

FRIDAY, January 19.

Standing Rules and Orders—Previous Question.

The House resolved itself into a Committee of the Whole, on the report of the Committee on the Rules and Orders of the House. After several amendments to the rules had been proposed and agreed to, Mr. STANFORD moved to expunge from them that which related to "the previous question." He said he owed it to himself and to the oath, which, as a member of that House, he had taken, to get rid, if possible, of a rule under which the most tyrannical control might be exercised over the House, and the debates of that assembly be deprived of their freedom, and by which the majority might exercise the most complete despotism, shutting out the Representatives of the people from the free constitutional privilege of expressing their opinions and maintaining the rights of their constituents. He expressed his regret that such an abominable badge of slavery should have found its way into the regulations of any free deliberative assembly; gave a succinct history of its rise and progress in that House, and portrayed the pernicious effects of it, as shutting up, at the will and pleasure of the majority, the current of delibera-

tion, and enabling them to get rid, when they pleased, of a discussion that was disagreeable to them, and of a decision that might be deemed hostile to their party or their purposes. The last mischievous construction of the rule—the last twist of the screw, he observed, was fastened upon them in a moment of excitement, partly in resentment at a resistance made to their measures, and perhaps partly for the despatch of business during the war. But now when, not only the war had ceased, but much of the asperities which existed at that time had vanished—when we were "all Federalists, all Republicans"—and there could no longer be a pretext for exercising it—when, in short, it could no longer be pretended to be wanting—we hoped it would be expunged, or suspended, and that as the House had got rid of the excitement, they would also get rid of the rule. If the minority had no right in debate, but what they were to owe to the courtesy of the majority, it was no longer a free deliberative assembly; nor could the country for which they were assembled to legislate be free. The right to deliver their sentiments in Congress they possessed from the people, and no majority in that House had a right to take it from them. He had seen the time when it would be resisted in that House, and he hoped he should see the time come again when such tyrannical rules would be disabled of their force, and chased out of the rules of Congress; the majority had no rights to give, and they could have none that he would receive at their hands.

Mr. RANDOLPH said he seconded Mr. STANFORD's motion with pleasure. He never rose with more satisfaction, and he hoped the rule would be modified so as to reinstate it, as it was in the Administration of Thomas Jefferson, during which period it was the same that it had been in the time of his predecessor. Mr. R. declared that he had listened to Mr. STANFORD with delight; his sentiments were of the good old times; they were worthy of the school in which he had been bred.

Mr. R. then entered into a history of the rule so obnoxious to every lover of freedom—a history in itself very curious and interesting, and rendered much more so by the felicitous manner in which he exhibited it. He brought the genealogy of the previous question down from a very remote period, and that, too, one of the worst of the British history; but he showed that though bearing the same name, the present one differed from its ancestors, and differed very much for the worse. If it was to stain the rules and orders, it ought to have a new name, and be called the *gag law*. What the Federalists called "the sedition law," he said his party called the *gag law*, and so ought this to be called. Not but that he owned the sedition law itself was good in many respects, the objection to it was that it assumed the exercise of a power which did not belong to Congress over the press, and insidiously usurped a jurisdiction denied by the constitution; yet in comparison

with the previous question, he said the seditious law was as white as wool—was indeed innocence itself.

Mr. R. then proceeded to carry on his history of the rule from its first entrance into the business of that House until it had arrived, upon a late occasion, to the highest degree of malignity and oppressiveness in its exercise; the most outrageous despotism over the counsels of the representative body. He could not depict it, he said, in stronger colors than by giving a simple statement of the fact, that the previous question was called while a member was addressing the Chair.

Mr. R. said that a member of that House who was so deprived of the freedom of speech that he could not at any time stand up and defend the invaded rights of his constituents was a *nuisance*—the slightest abuse of liberty seldom failed to end in slavery—and the liberty which the people of the United States did enjoy would be lost by this abuse. Yet, however, the nation's liberty was not entirely lost—it was “not less than Archangel ruined”—it was yet open to the House to preserve it. He then drew a picture of the mischiefs attending the application of the previous question in the hands of corrupt men, and said that, instead of being what every rule of that House ought to be—an instrument for the advancement and protection of the freedom of debate—it was perverted into an engine to intercept fair discussion, and prevent the sense of the House from being taken. If an amendment which startled the leaders of the majority were moved, instead of meeting it with reason, and letting it go for the sense of the House, one of the party had but to move the previous question, and the amendment instantly disappeared, as if it had sunk through a trap-door or fallen through a broken place in a bridge, and not a vestige was ever more heard of it—no, not so much as would serve to justify the member that offered it to his constituents, or to inform them what he had been endeavoring in vain to do for their interests. For example: if a member moved to propose twenty cents a bushel tax upon salt, and he (Mr. R.) taking into consideration that it would come too heavy on his constituents to tax so highly one of the most essential articles of life—one of the sacred emblems of hospitality—should propose to amend the resolution by substituting ten for twenty, the majority not finding it convenient to argue the case, or being unable to reason, and therefore like Falstaff, “if reasons were as plenty as blackberries,” resolute not to give a reason on compulsion, should call for the previous question, the amendment would disappear; the unsuspecting, confiding people would be deceived, and would never hear that the amendment was moved, or that the Representative to whom they had confided their interests had done his duty; but on the contrary, would conclude that he had voted for imposing on them that oppressive tax.

Thus, he said, amendments fell dead in that

House, and with them the right of free discussion. There were other members of those rules, he said, which might well content those gentlemen, whatever their appetite might be for despotism. Some that might satisfy the grand inquisitor himself. The motion to reconsider was one of those—that simple rule might satisfy the most lynx-eyed duenna, anxious to restrain the wanton excursions of debate. There was another, too, always at hand, which was still superior to the previous question—the *call to order*. On this subject Mr. R. was very pointed and powerful. He showed from the rules of the British House of Commons, laid down by Mr. Hatsell, that no instance ever was known in that body of a member's being prevented from discussing any proposition, either immediately, *sub judice*, or that he wished to bring before them; and that the only interruption allowable in it, was confined to cases where any thing touching the royal authority was introduced, which by the constitution were forbidden to be discussed in it. Not only Mr. Hatsell, but Mr. Onslow, who so long presided in that body, never saw a member of the minority or opposition bench refused a hearing—they would as soon think of stopping the vollied lightning of heaven, as of stopping the elder Pitt. No; in the British House of Commons debate was free.

After expatiating on better parts of the subject, as well as on several topics incidental and auxiliary to the train of his reasoning, Mr. R. declared it to be his conviction that if this rule continued on the books, it would sooner or later be resisted if put in practice; but whether resisted or not, it ought to be resisted, and at every or any hazard. He had ever been a Whig—a warm and sincere friend to the Revolution—but when he compared the tax upon tea, with this pernicious rule “the previous question,” he doubted which struck most deeply at the personal rights of the people of America, or at the independence of the country.

Mr. OLAY rose in reply to Mr. RANDOLPH, and endeavored to justify the previous question—partly on the grounds of the constitutional right of the House to make it—the majority had the power to make it, and therefore were right in making it; partly on the expediency—it was certainly expedient for the same reason; besides which, he thought the public interest required it. He said Mr. RANDOLPH's history of the order had itself shown that the previous question was not resorted to until the abuse of debate rendered it expedient, and in illustrating this he reminded the House of the very remarkable circumstance of a certain gentleman having, for the purpose of delay, spoken four and twenty hours without stopping. He said that the House must adapt their rules to experience, until the objects of its institution were fulfilled.

He did not think it necessary to go to Great Britain for precedents; but if they did, he could show the superior freedom of our House, taking all the rules of the British House of Commons

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together. They had there, he said, a previous question for stopping members peculiar to themselves—that was, making a noise to drown the voice of the person who endeavored to speak. Another was, that there was no protracting a debate beyond the rising of the House. Here, said Mr. C., have we not had a question debating for six or seven weeks? Mr. C. then adverted to the personal invectives in the British Parliament, contrary to all example in the American House of Representatives. He had himself, in the short time he was in London, heard a British Minister, high in office, charge a member with wishing to produce a revolution in the country; and he had heard that member retort upon the Minister the charge of bribery and corruption, and tell him that he ought to lose his head.

What would be the situation of the House, Mr. C. asked, without such a rule as the previous question; and what was it more than a declaration of the House that they had heard enough, and would proceed to decide; and that the majority were not to be controlled by the minority?

Mr. GASTON rose and spoke as follows:

Mr. Chairman, the proposition which has been made by my worthy friend and colleague (Mr. STANFORD) to expunge from the rules of this House what is there called "the previous question," brings distinctly forward for consideration a subject which has the most imperious claims on the attention of every individual of this honorable body. It vitally concerns the rights of the members of this House, and the essential interests of the people whom they represent. From the moment, sir, I have been able to comprehend what, from that chair and on this floor, has been expounded to be "the previous question," I have believed it hostile to every principle of our Government, inconsistent with all notions of correct legislation, and without a precedent in the annals of any free deliberative assembly. At different periods of the last Congress I had thought of attempting to procure some amendment of this arbitrary rule, but I was prevented from prosecuting my purpose by a conviction that the party feelings which had grown out of the war, and which had then reached their highest state of excitement, forbade all hope of that deliberate consideration which was indispensable to a correct decision. The present Congress, I have flattered myself, afforded a fit opportunity for a revision of this rule. With the return of peace to our land had returned also a spirit of mutual forbearance between the political parties of the House. Now, it might be practicable to discuss and decide a great question upon its intrinsic merits, and not simply with a view to its influence on the interests or purposes of faction. Indulging this hope, it was my fixed determination not to permit the present sessions to pass away without an effort to rescue my own rights, and the rights of those whom I represent, from the further oppression of this instrument of ty-

ranny. I have been anticipated by my colleague, and I rejoice that I have been thus anticipated. From none could the call upon this honorable House to emancipate itself from the thralldom of "the previous question," proceed with more authority and propriety than from its oldest surviving son; from him who has witnessed the growth of this rule from its first intrusion here to its present all-controlling domination. And, sir, I rejoice equally at the opposition which the motion of my colleague has encountered. If this hideous rule could have been vindicated, we should have received that vindication from the gentleman who has just resumed his seat, (Mr. CLAY.) If his ingenuity and zeal combined could form for the previous question no other defence than that which we have heard, the previous question cannot be defended. If beneath his shield it finds so slight a shelter, it must fall a victim to the just, though long delayed, vengeance of awakened and indignant freedom. If Hector cannot protect his Troy, the doom of Troy is fixed by fate.

It is indispensable, before we proceed further in the consideration of this subject, that we should perfectly understand what is our previous question. Gentlemen may incautiously suppose that it is the same with what has been called the previous question elsewhere. This would be a most fatal mistake. Our previous question is altogether "*sui generis*," the only one of its kind; and to know it, we must consider not merely what is written of it in our code, but what it has been rendered by exposition and construction.

Our previous question "can only be admitted when demanded by a majority of the members present." It is a question "whether the question under debate shall now be put"—on the previous question "there shall be no debate." "Until it is decided, it shall preclude all amendment and debate of the main question." If it be decided negatively, viz: that the main question shall not now be put, the main question is of course superseded; but if it be decided affirmatively that the main question shall now be put, the main question is to be put instantaneously, and no member can be allowed to amend or discuss it. The previous question is entitled to precedence over motions to amend, commit, or postpone the main question, and therefore when admitted puts these entirely aside. This, according to the latest improvement, is now our rule of the previous question; and certainly in your Patent Office there is no model of a machine better fitted for its purposes than this instrument for the ends of tyranny. It is a power vested in the majority to forbid, at their sovereign will and pleasure, every member, not of that majority, from making known either his own sentiments or the wishes or complaints of his constituents, in relation to any subject under consideration, or from attempting to amend what is proposed as a law for the government of the whole nation.

It is a fundamental principle of civil liberty, that no citizen shall be affected in his rights without an opportunity of being heard in support of them. Our constitution provides "that no citizen shall be deprived of life, liberty, or property, without due process of law." Every freeman is recognized by our constitution as possessing also the right, either by himself or peaceably assembled with others, to petition the Government for a redress of grievances. The peculiar duties of the Representatives of freedom delegated with authority to bind their constituents by law, constitute these Representatives the agents of the people, to make known their grievances, their wants, and their wishes; that thus, by mutual and free intercommunication, rules of action may be framed fitted "to promote the general welfare." To refuse to receive the petition of the poorest and meanest member of society, alleging a grievance, and applying to the competent authority for redress, is an act of tyranny prohibited by the constitution. To impair, by a judicial sentence, any one of his rights, or restrain him in the exercise of his freedom—to touch either his purse or his person, until after regular process to apprise him of the charge brought against him, and a full hearing of any defence he may urge by himself or his counsel, is confessedly iniquitous and unconstitutional. Yet by this detested rule, he, his neighbors, the whole community, may be mulcted with taxes to an indefinite amount, and subjected to obligatory rules of action, involving consequences fatal to liberty, property, and life, and their recognized agents, their constitutional counsel, their Representatives, not suffered to allege a grievance or offer a defence! No individual can be condemned unheard—no individual can be refused a hearing of his petition. But thousands petitioning through their Representatives may be commanded into silence, and a whole country sentenced without a trial. The people are to be allowed Representatives in the great national council, who are forbidden to make known their wants—they are indulged with agents who are refused a hearing!

Sir, such absurdities will not bear examination. They cannot be tolerated by thinking and dispassionate men. It is vain to allege, in the language of the Speaker, that as the House is permitted by the constitution "to determine the rules of its proceeding," it has a perfect right to forbid discussion, when, and as it pleases. It cannot (rightfully cannot) so regulate its proceedings as to annihilate the constitutional franchise, either of a member or his constituents. They have a right to be heard before their money is voted, or their liberty restrained, and he is their delegated agent. The whole Congress cannot, by law, deprive them of their constitutional franchise, to petition for redress of grievances; and this House is not competent to close the mouth through which the petitioners speak. Under the pretence of determining the rules of its proceedings, the House has no more authority to deny to any

portion of the people the fair agency of their Representatives, than a court of justice under a plea of preserving decorum, to forbid a criminal the assistance of counsel. The power in either case is given for the preservation and more effectual enjoyment of the rights of which it is the guardian. It may regulate, but it cannot destroy them. It may prevent their abuse, but it cannot forbid their exercise. The court is not obliged to hear counsel as often as they may wish to speak, nor to tolerate impertinence or contempt. The House may not allow debate on a motion for adjournment, or a question whether language be indecorous, but if either forbid the duly constituted agent from performing his regular and proper functions, it is then usurpation, not right; it is abuse of power, not regulation. The privilege of the Representative to declare the will, to explain the views, to make known the grievances, and to advance the interests of his constituents, was so precious, in the estimation of the authors of our constitution, that they have secured to him an irresponsibility elsewhere, for whatever may be uttered by him in this House; "for any speech or debate in either House, they (the Senators and Representatives) shall not be questioned in any other place." The liberty of speech is fenced round with a bulwark, which renders it secure from external injury—here is its citadel—its impregnable fortress. Yet here, even here, it is to be strangled by the bowstring of the previous question. In vain may its enemies assail it from without; but within, the mutes of despotism can murder it with impunity!

The existence of this arbitrary rule is incompatible with the independence which belongs to the character of a Representative. Called by the voice of a great and free people to the high (and I had almost said sacred) office of making laws for their government, we should all of us feel that our functions and the privileges essential to their discharge, are delegations of sovereignty, not the revocable precarious grants of a courteous majority of our own body; legislating for freemen we should ourselves be free. But what pretensions can he advance to freedom, who is indebted for the exercise of his supposed rights to the grace and favor of his associates? Our English ancestors considered those tenures free which were independent of another's will. To hold by the will of another was the tenure of a "villain"—a slave. And has the constitutional right of a Representative of the people, in the freest of all free countries, become nothing more than a species of privileged villanage—of splendid servitude? Instead of the legislator being independent of all, but God and his country, in the exercise of his functions, is he to receive as a favor the permission of his fellows to take a part in legislation? The degradation is not the less, because those on whom he depends are equally degraded with himself. Each may be regarded as a slave, in an association of slaves, of which the majority are tyrants. Can it be, that to such a

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body, and so composed, the people of the United States designed, by their great constitutional charter, to confide the mighty trust "of securing the blessings of liberty to themselves and their posterity?" Can it be that they should select as guardians of their rights those who should have no right to assert them? That never can be called a right which owes its existence to favor.

This rule of the previous question, instead of being sanctioned by the constitutional authority which the House possesses of making rules to govern its proceedings, is at variance with the very object, for the attainment of which this power was delegated. The great purpose of rules in every community is to protect the weak against the tyranny of the strong. The end of regulations in a society where a majority governs, is to limit the power of the majority, and to secure the few from the oppressions of the many. The celebrated Arthur Onslow (who held the office of the Speaker of the English House of Commons for more than three and thirty years, and discharged its duties with an ability and impartiality which have never been surpassed) used to remark, that "nothing tended more to throw power into the hands of Administration, and of a majority of the House of Commons, than a neglect of, or departure from, its rules; that the forms of proceeding, as instituted by their ancestors, operated as a check and control on the actions of ministers, and were a shelter and protection to a minority against the attempts of those in power." And the accurate and judicious Hatsell, who has recorded this memorable observation, very properly remarks that it is founded in good sense, for that "it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents;" but "the only weapons by which the minority can defend themselves against similar attempts from those in power are the rules of proceeding, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities."

Now, sir, it must be admitted, that the ordinary and correct course of legislation is, to afford a fair opportunity for a free interchange of opinions. "*Dieu délibérandum quod semel est statuendum*" is the old maxim, which, in Hakewell's quaint but expressive language, is thus paraphrased: "That which is to bear the stamp of a law must be a long time moulding; there must be previous debates, bandings of arguments, and clashings of opinions, *pro* and *con*, go before; for as we find that fire issueth forth from the concussion of flint and iron, so truth comes forth out of the eventillations and clashings of several opinions." It cannot be denied too, that it is in the regular order of all deliberations to weigh and dispose of amendments before a final decision on the main subject. Yet

the express end and aim of our previous question rule is, to prevent an interchange of opinions and to forbid amendments. Its purpose is to reverse every thing like correct legislation, and to enable a "successful majority" in the "wantonness of power," unchecked "by forms of proceeding," unopposed by "the legitimate weapons of defence," to deprive the minority of every right, and to make its capricious will stand for reason, its passion for law. Surely strange notions have been broached at this inventive spot. It is right to subject the majority to the restraint of parliamentary rules, except when it chooses to be free from them! The majority shall not be permitted to oppress the minority, unless it have the inclination! Thus, also, a national bank is unconstitutional in good times, and oaths are registered in Heaven, but if the Government needs a bank, and the times prompt to a usurpation of power, then the constitution accommodates itself to the exigency, and oaths are no longer troublesome. Constitutions and rules of proceeding are binding so long as there is no temptation to transgress them.

I have said, sir, that there is no precedent to be found in the annals of any free deliberative body for such a rule as our "previous question," and although I feel almost as great a repugnance to pledges as has been expressed by my eloquent friend from Virginia, (Mr. RANDOLPH,) yet I pledge myself to maintain this position. In the English House of Commons the previous question has been known as a form of proceeding for more than two centuries, but it differs radically and essentially from our detested rule, which bears the same name. In England it can never be used so as to deprive any member of his right to discuss or to amend the question under debate. Ours is used avowedly for these purposes.

The origin of the previous question in the English House of Commons is hidden in obscurity. In Grey's Parliamentary Debates it is remarked by Sir Thomas Littleton, that Sir Henry Vane was the first that ever proposed putting a question "whether the question should be now put;" in consequence of which, the Speaker, Mr. Seymour (afterwards Sir Edward Seymour) observes: "No man can find any precedent of Sir Henry Vane's question. By that question we can never come to an end in any business. The question in being may be the next day put, and so you usher in an impossibility of bringing things to a period;" and Sir Robert Howard adds, in the spirit of prophecy, "This question is like the image of the inventor, a perpetual disturbance." The debate which gave rise to these remarks (March, 1672) turned upon the question whether a bill of supply should be engrossed before certain grievances were redressed. There is a debate (January, 1674) recorded in the same volume, wherein the previous question was used, and which respected the inquiry whether the House should proceed to the consideration of the King's speech, before it should ascertain by an address to the Crown whether,

by the peace mentioned in the speech, is intended a separate or a joint peace. From these it would seem that an early, perhaps the first, use of the previous question was to postpone one subject in order to take up another. But whatever might have been its original use, it was early discovered to be susceptible of a service very convenient to ministers and their adherents, and to which they have since frequently applied it—that of getting rid of an unpleasant motion which it was not convenient to reject. The first instance I have seen of this application of the previous question, was in the case of this very Mr. Speaker Seymour, in October, 1673, who, probably afterwards, entertained a more favorable opinion of the previous question than what he had expressed about eighteen months before. Sir Thomas Littleton submits a motion to remove the Speaker and appoint a Speaker *pro tempore*, on the ground that the Speaker holds an office incompatible with the faithful discharge of his duties to the House—the office of privy counsellor to the King. This motion is supported by others on a different, and, what was then perhaps deemed a delicate ground, that the Speaker “exposed the honor of the House in resorting to gaming houses with foreigners as well as Englishmen, and to ill places.” The last is treated by the Speaker’s friends (fashionable men and courtiers) as a trivial objection, and the first is resisted by precedents. Upon the whole, however, it is found expedient to get rid of the motion by the previous question, and therefore “on the question being propounded that Mr. Speaker do leave the Chair, a Speaker *pro tempore* be appointed, the question being put ‘that the question be now put,’ it passed in the negative.” It will be observed that in the instances cited of the use of the previous question, and in all others which may be resorted to, it never prevented full debate of the main question. The ancient practice was, as we learn from Hakewell, “if the matter moved to receive a debate, *pro* and *contra*, in that debate, none may speak more than once to the matter. And after some time spent in the debate, the Speaker, collecting the sense of the House upon the debate, is to reduce the same into a question, which he is to propound; to the end, that the House in the debate afterwards may be kept up to the matter of that question, if the same be approved by the House to contain the substance of the former debate.” It was the right of every member to speak once, if he wished it, to the matter moved, and of this right he could not be deprived by any use of the previous question. Hakewell proceeds to state: “If upon a debate it be much controverted, and much be said against the question, any member may move that the question may be first made whether that question shall be put or shall be now put, which usually is admitted at the instance of any member, especially if it be seconded and insisted on; and if that question being put pass in the affirmative, then the main question is to be put immediately, and no man may

speak any further to it, either to add or alter. But before the question whether the question shall be put, any person who hath not formerly spoken to the main question, hath liberty to speak for it or against it, because else he shall be precluded from speaking at all to it.” The previous question was simply a demand that when the main question should be ripe for decision, the House should first pronounce whether it was then expedient to decide it. It was no matter at what period of the debate on the main question this demand was made, the previous question could only be put when the main question was about to be put, and the main question could not be demanded while any person who had not spoken wished to speak upon it. “It is a great mistake,” says Sir Thomas Lee, “that the previous question, if asked, must necessarily be put, for you may do it all at one time, and not at another.” In fact, when the previous question was demanded, there were two questions before the House—the one whether the main question should be decided, the other what should be the decision on it. If the first were determined negatively, it of course precluded the necessity of determining the other; but if the first were answered affirmatively, the other was to follow immediately. Before, however, either branch of this double question was put, every member had a perfect right to be heard. In later times the previous question has been frequently resorted to, but never to destroy this right of speaking to the main question. For instance, let us take the debate on the motion of Sir James Lowther, (November 3, 1775,) “that the introducing of Hanoverian troops into any part of the dominions belonging to the Crown of Great Britain, without the consent of the Parliament first had and obtained, is contrary to law.” The affirmative of this proposition was maintained by Gov. Johnson, Mr. Sergeant Adair, and others, and the negative by Lord Barrington and Mr. Stanley; when Mr. Gordon declared his opinion to be that the measure was illegal, but well meant and highly expedient, moved the previous question. Then it was that the Solicitor General, Mr. Wedderburne, entered fully upon the subject. In opposition to the main question, he contended for the legality of the practice, and stated numerous precedents by which it was sanctioned; and in support of the previous question he entered into a variety of circumstances and arguments to show the propriety of the measure. He was followed by Mr. Burke, Lord North, and others, expressing their sentiments fully, as well in relation to the original motion, as to the previous question demanded on it. The advantage which the ministry gained in this instance by the previous question, was not to silence the minority and prevent a discussion of the main question, but to rally round their standard those who would desert them if compelled to vote directly on the main question. They sought by this measure to strengthen their main body of well-trained troops, by

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the accession of the irregular militia who could not be relied on in a desperate charge. Take, for another instance, Mr. Burke's motion for leave to bring in his famous bill "for composing the present troubles and for quieting the minds of His Majesty's subjects in America." After the previous question is moved, the whole subject opened by the motion is debated by the great champions on either side who entered on the controversy.

I believe, sir, that some confusion has been thrown on the subject of the previous question (a confusion, from which even the luminous mind of the compiler of our Manual, Mr. Jefferson, was not thoroughly free) by supposing it designed to suppress unpleasant discussions, instead of unpleasant decisions. The fact is, that formerly the discussions in the English House of Commons were not designed at all for the public ear, but solely for the members of the House. There are various orders, collected by Hatsell, forbidding the Clerk and his assistants from taking notes, or permitting copies to go forth, of any arguments or speeches made in the House. And we know that when Dr. Johnson first published those specimens of British Parliamentary eloquence, which spread its fame through the world, he was compelled to throw over his design the veil of fiction. They were announced as the debates of "the Senate of Liliput," and the speakers were designated by the most barbarous appellations. To this day a publication of speeches made in either House of Parliament is, in strictness, regarded as a contempt, and may be punished as such. In a body, whose discussions were not designed for the public, and whose proceedings were known only by their final votes and orders, composed of men who had ever some grievances to allege, who claimed the privilege of free speaking, so essential for the exercise of that right, and whose plain habits of discourse were free from the fastidious delicacy of latter days; all subjects, from which the fear of royal indignation did not restrain them, were freely bandied to and fro, until the House was ready to act or to declare its determination not to act upon them. The previous question could not be used to prevent the discussion of an unpleasant subject. For, whether the previous question was called or not, every member had a right to be heard once on the main question.

The previous question in the English House of Commons deprived no member of the right to amend the main question. It has indeed been made a doubt whether an amendment could be received, if offered after the previous question had been moved and seconded, and proposed from the Chair. Among the arguments by which this doubt was repelled, it has been observed that to refuse the amendment because not before offered, would be to put it "in the power of any two members, by moving and seconding the previous question, immediately after the main question is proposed, to deprive the House of that power which they

ought to have in all instances of amending and altering any question proposed to them." On the other hand, those who entertained this doubt answered, "no inconvenience can arise from the doctrine; for, if before the previous question is proposed from the Chair, though it should have been moved and seconded, any member should inform the House that he wished to make amendments to the main question, he will then certainly be at liberty to do it, and the Speaker, supported by the House, will give that priority to the motion for amending, to the motion for the previous question, which common sense requires." However this doubt may be decided, all concur in declaring that in the English House of Commons the previous question cannot preclude the exercise of the undoubted right "in all instances of amending and altering any question proposed to them," nor can it supersede that "priority for amendments" which "common sense requires." No, sir, it was reserved for us in this age of illumination, and in this freest of all free Governments, to adopt a rule which sets common sense at defiance, and prohibits the exercise of undoubted Parliamentary right. It was reserved for us to declare that the previous question shall have priority of a motion to amend.

If we can find no sanction for our rule in the previous question of the British Parliament, let us examine how far it is founded on American precedents. Here we shall discover an early departure from the European management of the previous question; but a departure strictly consistent with the legitimate purpose of such a question, and which far from shackling legislative freedom, simplified the rule, while it afforded full latitude for discussion and amendment. If we will examine the journals of the Continental Congress, we shall perceive their practice to have been to regard the previous question, as a motion to set aside the main question, which was of course a distinct proposition, and open like all others for free debate. To this proposition the debate was confined. If the main question was set aside, the debate proceeded no further. If the motion to set aside the main question did not prevail, it was then before the House unaffected by this motion, and necessarily in a situation to receive such a disposition as the House thought proper to give it. Postponement, amendment, debate, were then as completely in order, as before the unsuccessful motion had been made. This was truly an improvement of the old rule; an American graft upon the British stock. Simplicity of debate was promoted by confining the controversy, in the first instance, to the propriety of taking the main question—not only on pleasant decisions, but unpleasant and unnecessary discussions might be thus prevented. If on the preliminary inquiry, the subject was pronounced a proper one for the decision of Congress, there was then scope for the exercise of their unshackled wisdom in regard to it. Two instances will be sufficient to show

this American usage of the previous question, in the Continental Congress: "A motion was made to resolve that the members of this House keep secret from all but the members of this House, under like obligations of secrecy, such information as may be derived from an inspection of the papers of the committee of secret correspondence, or from hearing the same read." After debate, the previous question was moved by Mr. DUEB—ten States voted in the affirmative, "and so it was resolved in the affirmative, and the main question was set aside." Again, on Friday, July 25th, 1788, "the following proposition being under debate, viz: that the Secretary at War direct the detachment of troops marching to the westward, to rendezvous at Easton in Pennsylvania, and from thence into the county of Luzerne, for quelling the disturbances in that county, provided the Executive Council of Pennsylvania shall find the assistance of those troops necessary, and provided that the said troops shall not be delayed in their march to the Ohio, more than two weeks; the previous question was moved by the State of Virginia, and seconded by the State of Massachusetts, viz: 'that the main question be not now put,' and on the question to agree to the previous question, the question was lost—on the question to agree to the main question, it was resolved in the affirmative."

In the year following, Congress convened under the present constitution. In the House of Representatives one of the first acts was to establish rules of proceeding; and the committee on whom this duty was imposed, consisted of gentlemen, many of whom had served their country in the Continental Congress, and among whom, with high claims to distinction, was the present Chief Magistrate of the United States. It is manifest that this committee and the House regarded the previous question precisely as it had been viewed in the Old Congress, as a preliminary inquiry into the propriety of the main question, which, if decided favorably to a hearing of that main question, left it perfectly free to the sound discretion of the House. They, indeed, altered the form of putting the previous question, from the negative to the affirmative style of interrogation. "The previous question shall be in this form, Shall the main question be now put?" They also required that five members should concur in asking for it: "It shall only be admitted when demanded by five members." They limited the debate on this preliminary inquiry: "On a previous question, no member shall speak more than once without leave," whereas, on other questions, he had a right to speak twice; but, in the full spirit of the established American practice, they confined the debate to the previous question until that was decided, and only until then—"Until the previous question is decided, it shall preclude all amendment and further debate of the main question," unequivocally evincing that "amendment and further debate of the main question," might take place *after* decision

of the previous question. And this, sir, was the clear, settled, undeviating exposition of this rule, for upwards of twenty years after its adoption by this House. I will prove this position by irrefragable testimony. In the second session of the Third Congress a resolution was moved, "that the President of the United States be requested to cause an ascertainment to be made of the losses sustained by the officers of Government, and other citizens, on their property, (in consequence of their exertions in support of the laws,) by the insurgents in the western counties of Pennsylvania." Upon this resolution, "the previous question was called for by five members, to wit, Shall the main question to agree to the said resolution be now put? It was resolved in the affirmative—yeas 52, nays 81. The said resolution was then amended at the Clerk's table; and the main question being put that the House do agree to the said resolution, amended to read as followeth: '*Resolved*, That the President of the United States be requested to cause an ascertainment to be made of the losses sustained by the officers of Government, and other citizens, by the actual destruction of their property (in consequence of their exertions in support of the laws) by the insurgents in the western counties of Pennsylvania, together with a representation of the particular condition of the respective sufferers in relation to their ability to prosecute their several claims, and recover at law satisfaction from the insurgent aggressors.' It was resolved in the affirmative." Here was amendment after a decision that the main question should now be put. We had no Sir Henry Vane then to explain to us this emphatic *now*. In the second session of the Fifth Congress, (Thursday, 5th April, 1798,) a motion was made, "that the instructions and despatches from the Envoys Extraordinary to the French Republic, communicated on the 3d instant by the President of the United States, be published." The motion was referred to the Committee of the whole House on the state of the Union, who reported a disagreement to the proposition. The report being under consideration, a motion was made and seconded, that the House concur with a Committee of the Whole. Whereupon the previous question was called for by five members, to wit: "Shall the main question, to agree to the said motion, be now put? It was decided in the affirmative. And then, *debate* arising on the said main question, an adjournment was called for; whereupon the several orders of the day were *postponed*, and the House adjourned." On the succeeding day, "the House resumed the consideration of the said main question; whereupon ordered, that the further consideration be postponed until this day week." Here the main question was not only debated, but postponed after a decision that it should now be put. This, sir, was in 1798, in the days which have been falsely called "the days of terror;" but which I feel a pride in showing were the days of correct principles. We had not then discovered how to

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construe away the rights of the people or their representatives, by a verbal criticism on the adverb "now." This illustrious discovery was reserved for the genius of modern republicanism.

The first attempt that was ever made to destroy the freedom of debate by a perversion of the previous question, was resisted as it should be—I speak it to the honor of this House—was resisted by a solemn and almost unanimous protest. It was on the 15th December, 1807, when the Speaker's chair was occupied by a gentleman from Massachusetts, who perhaps on that account claimed to be regarded as the lineal successor of Sir Henry Vane, and therefore the best expositor of his invention. On a motion for referring the memorial of sundry merchants of Philadelphia to a Committee of the whole House, the previous question was called for, and on being taken in the form prescribed, "Shall the main question be now put?" it was resolved in the affirmative. The main question on the reference of the memorial then occurring. "Mr. Ely, one of the members from Massachusetts, addressed the Chair, and was proceeding in some remarks touching the merits of the said main question, when Mr. Speaker called the member from Massachusetts to order, and decided, as the opinion of the Chair, that after the previous question is called for and answered in the affirmative, it precludes all debate on the main question; whereupon an appeal to the House, from the decision of the Chair, was made by Mr. Randolph, seconded by Mr. Bibb;" and the said decision being again stated, "that after the previous question is called for, and determined in the affirmative, it precludes all debate on the main question," the question was taken thereon, to wit: "Is the said decision of the Chair correct?" and passed in the negative by yeas and nays—yeas 14, nays 108. The principle of freedom asserted in this decision, was reasserted with equal solemnity and union of opinion in the next session of Congress. On the 1st December, 1808, a resolution was pending in the following words: "*Resolved*, That the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain."

"On motion of Mr. Gardenier the previous question thereon was demanded by five members, to wit: 'Shall the main question be now put?' and the said previous question being taken, it was resolved in the affirmative. A question of order being then called for, to wit: 'Is the main question open to further debate?' Mr. Speaker declared that, conformably to the determination of the House on the fifteenth of December last, it did not preclude debate on the main question. From which decision of the Chair an appeal was made to the House by Mr. David R. Williams, and, the same being seconded, the question was stated by Mr. Speaker, to wit: 'Is the decision of the Chair correct?' and, debate arising thereon, the House adjourned." On the next day the House resumed the consideration of the question of ap-

peal, and the decision of the Chair being again read, the question was put, "Is the said decision of the Chair correct? it was resolved in the affirmative by yeas and nays—yeas 101, nays 18." It was impossible that any rule should be more completely settled, both by uninterrupted usage and solemn deliberate adjudications, than was the rule of the previous question in this House. It was a rule perfectly consistent with good sense, with the requisite independence of the members of the House, and with the right of the free people whom they represented. It preserved decorum; it had a tendency to prevent unnecessary discussions; it superseded improper questions, while it left perfectly untouched the fundamental principles of parliamentary and political freedom. Thus, sir, it continued the more firm, for the impotent attempts which had been made to pervert it—and the better understood, from the blunders which its examination had exposed. Such was the state of things when, on the memorable night of the 27th February, 1811, the monster, which we now call the previous question, was ushered into existence, and utterly supplanted the harmless, useful being, whose name it usurped.

Sir, of the proceedings of that night I have no personal knowledge. The Journals, however, record them with a fidelity which, however to be lamented on other accounts, is essential to the interests of truth. The House, after a busy day, and a short recess for dinner, met at six o'clock in the evening; they then resumed the consideration of certain amendments; reported by a Committee of the Whole to a supplemental bill prohibiting commercial intercourse with Great Britain, and the question recurred to concur with the last amendments reported by the committee. "Debate arising, the previous question was called for by Mr. Gholson, and, being demanded by five members, was taken in the form prescribed by the rules and orders of the House, to wit: 'Shall the main question be now put?' and resolved in the affirmative. After which Mr. Gardenier, one of the members from the State of New York, was proceeding to state the main question, when a member from Virginia (Mr. Gholson) objected to the right of the member from New York to debate the main question, after the previous question had been demanded by five members, taken and decided in the affirmative; on which Mr. Speaker decided that, according to the practice of the House, it was in order to debate the main question after the previous question had been taken. From which decision of the Chair an appeal was made to the House by Mr. Gholson, seconded by two members; and debate arising on the appeal, a question of order was moved by Mr. P. B. Porter, whether the said appeal could be debated? on which Mr. Speaker decided that, conformable to the practice of the House, it was in order to debate the said appeal. From which decision of the Chair an appeal was made to the House by Mr. P. B. Porter, and seconded by two members. And

on the question, 'Is the said decision of the Chair correct?' it was determined in the negative—yeas 13, nays 66. The question occurred on the appeal first stated; and on the question, 'Is the said decision of the Chair correct?'—it was determined in the negative. The main question was then taken, to concur with the Committee of the Whole in their last amendment, and resolved in the affirmative."

The Journal then proceeds to state, that two successive amendments were moved by Mr. Gardenier, on which, on motion of Mr. Ringgold, the previous question was immediately called, debate prohibited, and the amendments rejected. A motion was then made by Mr. Ringgold that the bill be engrossed and read a third time; on which motion the previous question was called by Mr. P. B. Porter, and resolved in the affirmative, and the bill forced to a third reading instantly. On the third reading, on motion of Mr. Ringgold, the previous question was again demanded, and, being decided in the affirmative, the bill was passed. Here we have the great precedent which has furnished the rule for the subsequent use of the previous question; a precedent which nothing could induce me to examine and lay bare to the public inspection, short of an overruling sense of duty; a precedent stamped with every mark of error, oppression, and abuse of power. It is perfectly apparent that this night session was holden for the purpose of carrying this supplemental non-intercourse bill through all its stages. This was the holy end that was to sanctify the requisite means. "Debate arising," on agreeing to an amendment reported by the committee, "the previous question was called for by Mr. Gholson." Now, sir, it is a settled principle in parliamentary practice, that the previous question cannot be put on an amendment. The very question on an amendment is, whether "certain words shall be inserted into, or remain part of a question." The decision of the amendment "determines that they shall or shall not stand in a particular place, and has, therefore, all the effect of a previous question." So says Mr. Jefferson in his manual—"Suppose a motion to postpone, commit, or amend the main question, and that it be moved to suppress that motion by putting the previous question on it. This is not allowed, because it would embarrass questions too much to allow them to be piled on one another several stories high, and because the same result may be had in a more simple way, by deciding against the postponement, commitment, or amendment." A previous question on an amendment is an absurdity. It is a previous question mounted on a previous question. But parliamentary usage was of no consequence. "Debate" had arisen on the amendment, and this debate was to be put down, or the bill might not be passed that night. The previous question was therefore called. It being decided that the question on the amendment was to be put as the main question, debate was proceeding on this main question; but this

did not consist with the will of the majority, and debate was objected to as out of order. The Speaker declared it in order, for he had received too impressive a lesson on this point, to commit again the error which had been so solemnly corrected. It was expedient, however, to overrule this decision. An appeal was therefore taken. On this appeal a debate arose, and the Speaker was called on to pronounce whether debate on an appeal was in order. To such a question he could return but one answer; he knew, every man in the House knew, debate was in order. The rule is unequivocal and express, "on an appeal no member shall speak more than once without leave of the House." But debate was inconvenient, and, rule or no rule, debate should not be tolerated. A second appeal was then taken. Without a reason urged it was decided, in the face of a known and positive rule, there could be no debate on an appeal. It was next decided, without argument, in opposition to twenty-two years of uninterrupted usage, confirmed by the most solemn decisions made after a full hearing and on deliberation, that there could be no debate on the main question. Thus liberated from every restraint, and armed with the newly forged weapon of the previous question, a mad majority, in the wantonness of power, at midnight, when all that was not passion was stupid, proceeded in their career of legislation. The call of "previous question" negated amendment; a second cry of "previous question" engrossed the bill; a third shout made it a law. Yet this is the precedent on which our present exposition of the previous question rests for its basis! True, we reject every part of it but that which the majority now finds an interest in retaining. We deny its propriety in forbidding debate on an appeal, for three days have not passed since we solemnly debated an appeal from the Speaker's decision. We hold it erroneous in applying the previous question to an amendment, and cause it to take effect on the bill or resolution itself, stepping over the amendment. But we follow it as a guide for prohibiting discussion on the main question. It is, sir, a well-known rule of evidence founded on common sense, that if a witness manifest a disregard for truth in any part of his testimony, the whole of what he says is discredited. You can, in such a case, have no security that he relates the truth at all. And by the same reason, when a precedent is cited for the exposition of a rule of action, which bears on its face a violation of rule, it should be thrown aside altogether.

Full well do I remember the first instance in which I witnessed the use of this newly expounded previous question, and never shall I forget the feelings which it then excited in my bosom. It was at the first session of last Congress, and on a bill to impose a direct tax of three millions of dollars on the people of the United States. In that bill we had undertaken to assess, without any valuation, the precise sums which were to be paid by the several

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counties in each state. To remedy the injustice which this hap-hazard assessment must necessarily produce, a gentleman from Tennessee, of great influence in the House, (Mr. GRUNDY,) moved an amendment, restricted in its terms to the State of Tennessee, authorizing a correction of such injustice by the board of assessors after a valuation. The amendment was about to be adopted by an almost unanimous voice, when some gentleman moved to amend it, so as to extend its application to another State. This was agreed to by the House. It was then moved to amend it further, by extending its provisions to the parent State of Tennessee, to North Carolina. Sir, the previous question was called and carried. The main question was ordered to be put; the amendment first proposed—the amendment to it, which was accepted, and the further amendment to it, when the previous question was called, were declared to be swept away by this besom of destruction; and without debate, without an opportunity of amendment, the bill was engrossed. Such a mode of laying taxes was so abhorrent from all my notions of freedom, that, new as I was here—an unfledged member—I dared to join in an appeal to the House from the decision of the Chair, and vainly, yet zealously, exerted all my powers to reverse it. Use, sir, has rendered the previous question more familiar to me, but it has not diminished my abhorrence to it. On the contrary, use has but the more fully explained the detested ends which it can be made to answer. Six times at least was the previous question used in the last session to put down discussion, and the exercise of representative freedom. Once on a bill giving arbitrary powers to the deputies of collectors; twice in relation to the conscription project; three times upon the mammoth bank bill. Thank God! it once recoiled with salutary violence on those who used it. The last stupendous scheme of political folly and wickedness (such I deemed it) owed its failure to the use of the previous question. Many gentlemen on both sides of the House know this to be the fact.

SATURDAY, January 20.

The Revenue—Direct Tax.

The House, on motion of Mr. Lowndes, again resolved itself into a Committee of the Whole, on the remainder of the report of the Committee of Ways and Means, embracing sundry propositions in respect to the revenue.

The resolve first in order having been read, in the following words:

Resolved, That it is expedient so to amend the act, entitled "An act to provide additional revenues for defraying the expenses of Government and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same," passed on the 9th January, 1815, as to reduce the direct tax to be levied for the year 1816, and succeeding years, to three millions; and, also, so to amend the act, entitled "An act to provide additional revenues for defraying the expenses of

Government and maintaining the public credit, by laying a direct tax upon the District of Columbia," passed on the 27th of February, 1815, as to reduce the direct tax to be levied therein, annually, to \$9,999 20.

Mr. LOWNDES entered into a defence of the measure; the effect of which, he said, was nothing else than to take away certain taxes of the people, and to substitute in their stead others that would be less severely felt. In answer to an assertion made by Mr. RANDOLPH on a former day, that the permanent duties would be sufficient for the public exigencies without resorting to double ones, he begged the House to recollect that, in the year 1818, the demands upon the public Treasury would be ten millions and a half, for the Naval and Military Establishments, while the revenue from imposts could be estimated at no more than twelve millions—so that there would remain only one million and a half to answer the other expenditures of the Government.

Mr. RANDOLPH denied the change of opinion imputed to him; he held the same opinions respecting public debts, and the application of the public funds, that he ever had done; but the benefits of experience would be lost upon him if he did not know that whenever a Ministry, no matter whether it was the Ministry of an elective President or a hereditary King, chose to supply the deficiencies created by their own incapacity or profusion, they were never at a loss to conjure up pretences for laying their hands on the public money. So far from objecting to the payment of the public debt, he would wish to pay it up to the very day, for he thought that neither a nation with a great public debt, nor a nation that had a great overgrown revenue to be collected, could possibly be free.

He was averse to so vast a Military Establishment, not only on account of the expense, but of the danger. If Ministers wanted war, there were no means so likely to procure it for them as an overgrown Military Establishment. Military men were fond of glory, the constituent elements of which were blood and taxes; and if Government were ambitious of a second Punic war, their Military Establishment was the direct road to it; he would therefore, he said, apply the whole of their resources to the extinguishment of the national debt. And here he remarked, that Mr. LOWNDES's calculation of twelve millions, being the amount of the impost duties, must be a mistake. The reports from the New York custom-house put down that estimate. Such an estimate might, indeed, answer the purpose of inducing them to adopt the system of internal taxation, which he considered as the introduction of certain ruin to the country. Much as he had deprecated the war, if it was made a pretext to saddle the country with internal taxation—if it was only a device to make the people take the yoke more kindly, and to fill the country with a host of excisemen, vermin the most noxious to the eyes of freemen—he said his opinion of the war would be changed, and changed much

for the worse. The House had been tried with internal taxation before the war, but were restive and would not take to it; so to make them fall into it kindly, war was declared—for, was it not known that the war was defended on that very principle?

Mr. R. declared, that his opinions of men had undergone no radical change; he had the same faith in sinking funds as ever—but very little when in the hands of that being which a philosopher had defined to be a two-legged unfeathered animal. He had great respect for religion; but that respect was not drawn from inquisitions, nor from the sanguinary zeal of Queen Mary, nor from the disposition of every sect to persecute all others. So it was with regard to sinking funds; he knew their history from the time of Sir Robert Walpole down to the present incumbent of the Treasury, and he knew that they were always perverted from their just destination to answer the purposes of every Minister, when necessity required it. When the prodigality or incapacity of Ministers rendered a supply expedient, the sinking fund was resorted to, and necessity was the plea. Were money wished for, and no plausible necessity were immediately at hand, why then create a necessity? He must be a very bungler in his trade who could not do that. That physician must be a botch, indeed, who could not keep the patient in bed. Provided the money be desired, this necessity never will be wanting; for never was there a being in the shape of a Minister so contemptible as not to be able to find or to create it. Mr. R. concluded with saying, that the honorable gentleman's estimating the annual produce of the impost and tonnage at twelve millions must be a mistake, since it was as much as that fifteen years ago. The country had in that time doubled in population, and more than doubled in wealth. And if they who held the reins of Government would only dispense with over regulation, instead of being obliged to lay new taxes for resources, they would have had a considerable overplus in the Treasury.

Mr. CLAY made a few remarks in reply to Mr. RANDOLPH and Mr. HARDIN, and went on to remark:—It had been said, that this was a time of profound peace. It was true, we were happily at peace with all the world; but who knew how long it would be our good fortune to remain so? What was the present state of our relations to Old Spain? Who could now say, with certainty, how far it might be proper to aid the people of South America in regard to the establishment of their independence? He did not know how other people thought on those subjects, but they made a serious impression on his mind. We have recently heard, said he, and I believe the information came from the Minister himself, that a demand has been made by the Minister of the Spanish Government of the surrender of a part of the soil of the country; he meant that part of the country formerly known by the name of West Florida, which lies west of the Perdido, and part of which is now incorporated in the

State of Louisiana. Mr. C. said he would not speak, in the terms in which he might be authorized to speak, of the impudence of such a demand; but he considered it indicative of the general disposition of the Government which that Minister represented. Besides, he asked, was the state of Europe settled? Every one had heard of the proceedings of the Congress of European potentates at Vienna; we heard, too, that their ideas of legitimate government were carried to an extent destructive of every principle of liberty; we have seen these doctrines applied to create and overthrow dynasties at will. Do we know, said he, whether we shall escape their influence? Do we not know, though no such intention may exist at present, we shall, by adopting that policy which recommends a reduction of the Army and Navy, invite their attention to our weakness? Mr. C. said he was for preserving the system of internal revenue, on a reduced scale. He wanted to see Europe settled; to see the relations between this country and Spain placed on a footing which would insure tranquillity on our borders. Until he saw these things, he was not for exhausting the purse of the country of the funds necessary to enable it to vindicate its rights at home, or, if necessary, to aid in the cause of liberty in South America.

Mr. McKEE said he was in favor of leaving the resolution blank as to the amount of direct tax. He perfectly concurred with his colleague (Mr. HARDIN,) that unless a disposition should be manifested in Congress, different from any thing indicated either by the proceedings of this body, or by conversations out of the House, he should be opposed to filling the blank at all. Let me, said he, ask the Speaker (Mr. CLAY) whether we should have dared in 1812 to have laid a direct tax of three millions of dollars, or any tax at all, for the purpose of supporting the Peace Establishment we now have? When particular circumstances in 1812 demanded an increase of our army, and of the resources necessary to support it, what was the course which the National Legislature resorted to, to render those measures palatable? Did we not say, those measures should exist only during war? Did we not say that, within one year after the return of peace, the nation should be relieved from taxation? Now that peace was restored, ideal dangers were to be conjured up, to justify the maintenance of large establishments; and where was the Government that could not at any time conjure up reasons such as these? Against the doctrines which his colleague (Mr. CLAY) had expressed, and no doubt candidly and honestly entertained, Mr. McKEE said he as sincerely and candidly and honestly entered his protest; as he (Mr. CLAY) had against the opinions of his colleague, (Mr. HARDIN.) The doctrines of this report, Mr. McKEE said, occupied the very ground which was taken in Great Britain a century ago, and would certainly produce the same effects here as they had done there, if like causes produce like effects. Show

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me the nation, said he, with large expenditures of money, large taxes to support it, and I will show you a people who have no substantial freedom, whose liberty is a mere phantom, and has no substance in it.

Mr. RANDOLPH moved that the committee should rise; because, he said, a fact had fallen from the Speaker (Mr. CLAY) which would have much weight on the proceedings of the House when it came properly before them. According to the genius of this Government, none of its Ministers had seats on the floor of this House, and consequently those members become the medium of communicating its sentiments who stand high in the confidence of the Executive. Who should stand high in its confidence if the Speaker of this House did not? and he had made a declaration, with a view to influence the vote of the House, on a money bill too, involving matter of deep and high import. Mr. R. said he did not wish that the opinion and influence of the Speaker should have that effect on the deliberations of this House, which it ought not to have in case the negotiation, if there was one pending, between us and Spain, should be in a better state than that of which the gentleman had spoken. If such were the relations between us and Spain as he had represented, Mr. R. said it might have, and perhaps he might say, ought to have considerable weight on the great questions now pending. For his part, however, Mr. R. said, he, like the gentleman from Kentucky, (Mr. McKEE,) could not be frightened with the raw head and bloody bones of Old Spain. He believed that General Andrew Jackson and the Tennessee militia would give a good account of all the Spaniards who will ever show themselves west of the Perdido, and their red brethren the Creeks, the Choctaws, and Seminoles to boot.—[Here Mr. CLAY rose to explain, and Mr. RANDOLPH gave way for the purpose.]

Mr. CLAY said that, when up before, he had not said nor intimated, nor did he intend to be understood, as communicating any fact which the Executive was in possession of in relation to the views of Spain. He had had no conversation with any member of the Administration on the subject. He alluded to a rumor, equally, he presumed, in the possession of the gentleman from Virginia as of himself; he had heard it as coming from the Minister himself at a public entertainment. Mr. C. denied that he had any relation with the Executive, the Cabinet, or any of its members, other than any other member of the House had or might have. He had not now, nor ever had, any other relation. Whilst up, if the gentleman would permit, he would make a single remark on that part of the gentleman's argument. The gentleman had shown, by the latter part of his remarks, that this motion was wholly unnecessary; for, though the gentleman had commenced by saying that a fact had been communicated which would have an important bearing on the question before the House, he had ended by saying that, if the fact

were true, he would trust to General Jackson and the Tennessee militia to drive all intruders from the soil in that quarter. Mr. C. said he believed the bravery, the heroism of those citizens would be a safe reliance; but he was disposed, if necessary, to afford them auxiliary aid, &c., without drawing too largely on their patriotism.

Mr. RANDOLPH resumed the floor. Although the fact communicated by the honorable Speaker to this House might not have come from any member of the Cabinet, nothing could be more natural than for Mr. R. to suppose it might; for, he said, when he was intimate with the members of the Cabinet, he had been let into their secrets, and perhaps too deeply into them. Although this rumor, which had come, as the honorable Speaker had told them, from the Spanish Minister, might not have any influence on his vote, he doubted whether it would not have considerable influence on the votes of other gentlemen. It was not logical—in the fashionable phrase it was a *non sequitur*, to say, that because the rumor did not affect him, it might not affect the opinions of others; for perhaps the honorable Speaker will allow, said Mr. R., that I am impregnable to arguments of such a nature. With respect to this rumor, Mr. R. said he was at the first of it. He never had had any communication with any Minister, domestic or foreign, but at his instance; he never had, nor ever would he. He was now, he repeated, at the first of this rumor. Stated as this rumor had been, was it no cause why the committee should rise? He thought it was—he knew that the Speaker had not intimated that he had obtained his information from this or that source; that, Mr. R. said, was an inference of his own—but, as far as language can convey ideas, he was both deaf and stupid if the Speaker had not intimated that the state of our relations with Spain, combined with the reported demand of the Spanish Minister, would influence his opinion on the subject before the House. As for South America, Mr. R. said, he was not going a tilting for the liberties of the people of Spanish America. They came not to our aid—let us mind our own business; let not our people be taxed for the liberties of the people of Spanish America. Above all, Mr. R. said, he did not mean to pour out the blood and treasure of his constituents for the sake of the people of Caraccas and Mexico. In fact he did not want to go in the track of Aaron Burr or Jonathan Dayton—he did not want any of the territories in that region by conquest, purchase, or voluntary cession.* If they established an independ-

* Mr. Randolph did not speak without point, nor make references without application. The evil to which he alluded, existed, or had existed. Illegal expeditions against the Spanish American dominions had been planned in some parts of the United States, and had drawn forth an energetic Proclamation from President Madison: thus—

"Whereas information has been received that sundry persons, citizens of the United States, or residents within the same, and especially within the State of Louisiana, are conspiring together to begin and set on foot, provide, and pre-

ent government, he would maintain with these people, as with all other nations, the relations of peace and amity. This struggle for liberty in South America, Mr. R. said, would turn out in the end something like the French liberty, a detestable despotism. You cannot make liberty, he said, out of Spanish matter—you might as well try to build a seventy-four out of pine saplings. What ideas, he asked, had the Spaniards of rational liberty; of the trial by jury; of the right of *habeas corpus*; of the slow process by which this House moves and acts? None—no, said he, none; expediency, necessity, the previous question, the inquisition—these were among the engines belonging to their ideas of government. The honorable Speaker, Mr. R. said, had told the House on a late occasion, that he saw instances of this or that in the British House of Commons; the honorable gentleman had been sent on a late occasion by our Government to Europe—he had been near the field at Waterloo—Mr. R. said he was afraid the gentleman had caught the infection; that he had snuffed the carnage—and when a man once catches that infection, like that of ambition or avarice, whether taken in the natural way or by inoculation, the consequences are permanent. What! said Mr. R., increase our standing army in time of peace on the suggestion that we are to go on a crusade in South America? Do I not understand the gentleman? [The SPEAKER here intimated a negative to this question.] I am sorry I do not, said Mr. R. I labor under two great misfortunes—one is, that I can never understand the honorable Speaker; the other is, that he can never understand me—on such terms an argument cannot be maintained between us—therefore, for his share, Mr. R. said, he should put an end to it.

pare the means for a military expedition or enterprise against the dominions of Spain, with which the United States are happily at peace; that, for this purpose, they are collecting arms, military stores, provisions, vessels and other means; and deceiving and seducing honest and well-meaning citizens to engage in their unlawful enterprises; or organizing, officering, and arming themselves for the same, contrary to the laws in such cases made and provided: I have, therefore, thought fit to issue this my proclamation, warning, and enjoining all faithful citizens who have been led, without due knowledge or consideration, to participate in the said unlawful enterprises, to withdraw from the same without delay; and commanding all persons whatsoever engaged or concerned in the same to cease all further proceedings therein, as they will answer the contrary at their peril. And I hereby enjoin and require all officers, civil and military, of the United States, or of any of the States or Territories, all judges, justices, and other officers of the peace, all military officers of the army or navy of the United States, and officers of the militia, to be vigilant, each within his respective department, and according to his functions, in searching out and bringing to punishment all persons engaged or concerned in such enterprises; in seizing and detaining, subject to the disposition of the law, all arms, military stores, vessels, or other means provided or providing for the same; and, in general, in preventing the carrying on such expedition or enterprise, by all the lawful means within their power: and I require all good and faithful citizens and others within the United States to be aiding and assisting herein; and especially in the discovery, apprehension, and bringing to justice of all such offenders; in preventing the execution of their unlawful combination or designs; and in giving information against them to the proper authorities."

Dated, Sept. 1, 1815.

Mr. CLAY then rose and said, that he did not know how the gentleman could possibly have understood him as desiring to augment the army at this time, or as desiring to undertake a crusade to South America. [Mr. R. intimated across the House, that he had inferred his views, and not quoted his language.] Mr. C. said as the question was for the committee to rise, he was precluded from going into the general argument, which he deferred till a proper opportunity.

MONDAY, January 22.

Another member, to wit, from New York, WILLIAM IRVING, appeared, produced his credentials, was qualified, and took his seat.

The Revenue—Double Duties.

The House again resolved itself into a Committee of the Whole on the report of the Committee of Ways and Means upon the subject of revenue; as also on the bill "to continue in force the act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place;" also, on the bill "to continue in force the act laying a duty on imported salt, granting a bounty on pickled fish, exported, and allowances to certain vessels employed in the fisheries;" also, on the bill "to repeal so much of the act passed on the 28d of December, 1814, as imposes additional duties on postage;" also, on the bill "to continue in force certain acts therein mentioned;" and on sundry petitions.

The bill for continuing the present rates of duties (that is, what are commonly called the double duties) to the 30th day of June next, was first taken up; and having been read—

Mr. LOWMEYER proposed to amend the bill by adding thereto a new section, enacting that from and after the 30th June next, there shall be laid, levied, and collected, in the manner now proposed by law for the collection of duties on foreign goods, wares, and merchandise, forty-two per cent. on the amount of duties then existing, until a new tariff of duties shall be established by law.

The question on adding the new section (above described) was decided in the affirmative—yeas 85.

TUESDAY, January 23.

The Revenue—Double Duties.

The House resumed the consideration of the amendments reported by the Committee of the Whole, to the bill to continue in force the act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place; and the said amendments being again read, the first thereof was concurred in by the House.

The question was then stated to concur in the second amendment, which proposes to insert the following section as the second in the bill:

"SEC. 2. And be it further enacted, That, from and after the 30th day of June next, there shall be laid, levied, and collected, in the manner now prescribed by

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law, for the collection of duties on foreign goods, wares, and merchandise, the sum of 42 per cent. on the amount of duties which shall then exist on foreign goods, wares, and merchandise, until a new tariff of duties shall be established by law."

A motion was made by Mr. GROSVENOR to amend the said amendment, by striking out these words: "a new tariff of duties shall be established by law," and inserting "the first day of February, 1817, unless a new tariff of duties shall, before that time, be established by law."

This motion was supported by Mr. GROSVENOR, opposed by Mr. LOWMEDE, and negatived—ayes 57, noes 87.

A motion was then made, by Mr. DESHA, to amend the said amendment, by striking out the words "forty-two," and inserting "fifty;" and the question being taken, was determined in the negative—yeas 63, nays 70.

The amendments made in Committee of the Whole having been agreed to, the bill was ordered to be engrossed for a third reading.

The committee then rose, and reported the bills to the House.

The engrossed bill to continue the double duties on imports was read a third time and passed without a division.

Salt Duty and Fishing Bounties and Allowances.

The bill to continue in force the bill laying a duty on imported salt was read a third time. The yeas and nays on its passage having been required by Mr. STANFORD—a debate arose on its passage, which was opposed by Messrs. ROSS, STANFORD, RANDOLPH, BRIGHAM, and O. KING.

The opposition to the bill was on various grounds, but the debate turned principally on the liability to abuse of the privilege of drawback to those vessels employed in the fisheries. The tax was also opposed as oppressive, and as being one of the war taxes, which it was said ought not to be continued. The field of debate was entirely relinquished to the opponents of the bill, except by those who defended the bounty to fishermen, &c.

Mr. STANFORD declared that he considered it the most iniquitously unequal tax that ever was imposed. The Western country, he said, paid none: and one State paid nearly one hundred and fifty thousand dollars, while the whole produce of the tax was fixed at five hundred thousand; so that that one State paid almost a third of the whole tax; and, in the fishing countries, they smuggled the salt they used, and yet received a drawback or bounty equal to the amount of the tax upon it.

Mr. PICKERING said the gentleman from Carolina labored under a mistake. He wished the honorable gentleman would produce his evidence of the charge. Smuggling salt was, from the very nature of the thing, so improbable that the idea of it was ridiculous. The fishing vessels were small, and the owners knew what salt was required, and took enough to sea to cure their fish; they were not so foolish as to depend upon a precarious supply—none of them would run

the risk of defeating their voyage by going out upon the bare chance of meeting a vessel from abroad laden with salt. He said that every encouragement was now, more than ever, necessary to fishermen; the town of Marblehead was almost destroyed by the effects of the war. A hundred fishing vessels sailed out of it, carrying about a thousand men, before the war; but now there were but thirty-three; at the same time the people were so impoverished that they were not able to build vessels, and their right to fish on the coast of Labrador, Newfoundland, and the gulf of St. Lawrence, was taken from them in consequence of the war.

Mr. RANDOLPH said it was stated by a late Secretary of the Treasury that the allowance paid to the fisheries in lieu of drawback, surpassed the duty accruing from the tax upon the salt they used; the reason was, that the fishermen received salt from vessels at sea, and sold their drawback debentures to purchase rum and other articles. He went much at length into this abuse, an account of which he had received that very morning, from a very respectable and intelligent informant.

Mr. REED observed he rose principally to correct some errors which the honorable gentleman from North Carolina, (Mr. STANFORD,) and the honorable gentleman from Virginia, (Mr. RANDOLPH,) had fallen into, in relation to the drawback on the salt duty, allowed to persons engaged in the fisheries.

I approve, said he, of the bill now under discussion, and hope I may be indulged a few minutes in offering some reasons in favor of the vote I shall give.

We are deeply in debt, and need considerable amount of revenue to meet our engagements and support our credit. From what sources shall we obtain the revenue we need? A duty on salt was imposed at the commencement of the Administration of Washington, and was twice increased during the first nine years of the Federal Government. This duty was continued until 1806. Can we have a stronger expression of the opinion of former legislatures on this subject?

It is true the salt tax falls on all classes of men, but it is also true (with the provisions of this bill) it oppresses none.

It is a tax which operates, in many respects, justly. Salt is so bulky, and comparatively of so small value, that it cannot be smuggled. The honest man pays no more than the dishonest and dishonorable. But we have been informed by an honorable gentleman from Vermont, (Mr. JEWETT,) that salt is smuggled into Vermont from Canada, and he mentions the fact as a reason against imposing a duty on salt.

Sir, to me, this information was truly surprising. I never before heard of smuggling salt. If the information be correct, and it comes from such a source that I do not doubt it, on what article of importation shall we impose a tax? I have long been of opinion that the great difficulty in smuggling salt, and evading the duty, was a sound reason for imposing it, and so far

from being persuaded to change my opinion by the statement of the honorable gentleman, I am more than ever convinced of the expediency of the duty. No doubt, great changes have of late taken place in this country in relation to the payment of duties. I fear many are not influenced by those honorable and honest principles which ought to govern any man. If we cannot collect a duty on salt, on account of smuggling, on what, I ask gentlemen, can we collect revenue? Can we collect it from a duty on silks and broadcloths? Can we collect it from valuable goods of small bulk?

But the bill is opposed because it operates unequally. The land tax is probably most equal in its operation, yet many gentlemen, perhaps a majority, are dissatisfied with it. I beg gentlemen who complain of the inequality of this duty to examine for a moment the report of the Secretary of the Treasury, as it respects the comparative amount of the internal duties paid by different States. I hold the report in my hand. The State of Massachusetts paid of the carriage tax \$33,995 24; Vermont paid of the same tax \$2,890 24. The whole tax amounted to the sum of \$225,178 47. Massachusetts paid of the auction tax \$35,350 04; Vermont paid \$14 25; New Hampshire paid \$776 67; North Carolina paid \$1,287 62; Virginia paid \$4,079 87. I will proceed no further. It must be manifest to all, that any one of the above taxes operates extremely unequal. Some press harder on one place and class of people, and some on another. We ought as far as possible so to impose taxes as to operate equally on all, and oppressively on none. The high price of salt in some places is not owing to the duty, but to the expense of transportation.

It has been observed by some gentlemen in the course of this debate, that the inhabitants on the seacoast pay much heavier taxes than those in the interior of the country. Most of such persons are seamen, or engaged in commerce. They cannot raise their own wool and flax, and manufacture their own clothes, nor can they live almost wholly on the produce of their farms. They live principally on imported articles, as coffee, tea, sugar, molasses, &c., which can hardly be dispensed with at sea. From their situation and circumstances, therefore, they use much more of foreign and imported articles than those who live in the interior of the country on farms, and they of course pay much more of the double duties.

Some gentlemen seem to speak as if salt were the only necessary of life, and the salt duty the only tax felt by the poor. This, I think, a mistake. Most of the taxes imposed fall on the poor as well as the rich. The poor must be fed and clothed. They will use many imported articles which we may consider necessities; on all these articles heavy duties are imposed.

Sir, notwithstanding all I have heard against manufacturers, in my opinion they merit our attention. I would not encourage them to the injury of any other interest. We ought to con-

sult the real interest of all—of the farmer or planter—of the mechanic or manufacturer—and of the merchant. What was the situation of the United States and of New England during the Revolutionary war? Did not the inhabitants of this country, at that time, suffer for the want of many necessary manufactories? The price of salt at that time in New England, on the seacoast, was four or five dollars. After the duty on salt was imposed and continued a number of years, some of our citizens, believing the duty would be continued, erected salt-works, at great labor and expense, vats and covers to make salt or sea water by evaporation. It has been considered as a manufactory highly useful. It has been encouraged by the Legislature of Massachusetts, and, no doubt, all purchasers have derived an advantage from the competition and consequent reduction of the price of salt. When the law imposing a duty on salt was repealed, in 1806, the manufacturers suffered extremely. What has been the effect of the salt manufactories during the late war in Massachusetts? Salt has been sold in their neighborhood for less than one dollar per bushel. Similar salt-works may be erected almost any where, where there is salt water. Some who complain of the salt duty have probably derived an advantage already from the manufactory, greater than all the duty they have ever paid.

The amount of drawback, mentioned by the honorable gentleman from North Carolina, (Mr. STANFORD,) paid some years ago, probably includes the drawback then allowed on salted provisions, on which a drawback is not now allowed. If not, it has not been proved that the drawback at that time exceeded the duty paid on salt actually used in the fisheries.

The sum of four dollars per ton allowed to fishing vessels, which have been employed four months, in lieu of a drawback, may, in some instances, exceed the duty on salt used; but, I do not believe, on the whole, it is an equivalent.

In the year 1792, a number of petitions were presented to Congress on the subject of the fisheries. They were referred to Thomas Jefferson, then Secretary of State. He examined the subject, and gave a detailed report. The result of his investigation is, that no nation was ever able to carry on the fisheries without supporting them from the Treasury; but is of opinion that the advantage of our situation "would place our fisheries on a ground somewhat higher; such as to relieve our Treasury from that necessity, but not to permit it to draw support from them, nor to dispense the Government from the obligation of effectuating free markets for them." What was his opinion as to the importance of the fisheries? What has been the opinion of European nations, and of the wise men of our own? "If (said he) our fisheries be suffered to decay, the loss of seamen, unnoticed, would be followed by other losses in a long train. If we have no seamen, our ships would useless, consequently our ship timber, iron, hemp, and ship-building be at an end; ship carpenters go over

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to other nations; our young men have no call to the sea; our produce be carried in foreign bottoms, be saddled with war freight and insurance in time of war, and history will prove that the nation which would be our carrier has, for one hundred years past, had three years of war for four years of peace."

I am desirous to answer the honorable gentleman from North Carolina, (Mr. STANFORD,) and the honorable gentleman from Virginia, (Mr. RANDOLPH,) because I think their statements erroneous, and yet I am at a loss how to reply. Their charges consist of surmises and suspicions. They say they have been informed that vessels frequently go to sea, on a fishing voyage, without salt, expecting to meet vessels at sea loaded with salt, and there supply themselves and evade the duty.

The gentlemen are totally mistaken. I have been, for some years, well acquainted with a number of men engaged in the fisheries, and I never, until this day, heard it suggested. I believe gentlemen in an error, for the reason offered by my honorable colleague, (Mr. PICKENS.) What rational man would ever act so unwisely? Go a thousand miles to sea with a vessel and seven or eight men after fish without salt? Without salt they could do nothing. What man, in his senses, would run such a hazard to defraud the Government of \$40? I assure gentlemen they have no occasion to apprehend any danger from the case mentioned. I hope their honor and honesty would be sufficient security, if not, their interest certainly will.

We are told by the honorable gentleman from Virginia, (Mr. RANDOLPH,) that he has been informed by a respectable and intelligent man that the fishing business failed after the repeal of the salt duty; that, perhaps, the debenture certificate might be very convenient for those poor men, engaged in the fisheries, to purchase whatever they might need for the voyage, or for their families.

In the first place, it is not a fact, that, on the whole, the fisheries declined, in consequence of the repeal of the salt duty.

There were more vessels engaged in the fishing business in 1807 than at any former period. Since that period other causes have destroyed the fisheries. But had the honorable gentleman been correct in his information on the subject, he himself in the close of his statement offered a sufficient reason for their decline, to wit, that poor men engaged in the fisheries wanted ready money, which was obtained by their debentures during the continuance of the duty on salt, and not as has been intimated that the drawback exceeded the duty. Indeed, from what I have been able to learn on the subject from men engaged in the business, I do not believe the drawback exceeds the duty. I believe those engaged in the fisheries have paid this year as much duty on salt over and above the drawback as farmers who possess property of equal value.

I feel happy to agree with the honorable gentleman from North Carolina, (Mr. STANFORD,) respecting the character and importance of this

class of citizens. I fully concur with him in opinion that the fisheries, as a nursery of hardy, intrepid, good seamen, are of vastly more consequence to this nation than military academies.

The question was then taken by yeas and nays, on the passing of the bill, and carried, at a late hour.—Yeas 89, nays 52.

WEDNESDAY, January 24.

Canadian Refugees.

Mr. THEOPH, from the select committee to whom was referred the petition of Abraham Markle and Gideon Frisbie and their associates, reported a bill for the relief of certain Canadian refugees, who joined the American Army during the late war with Great Britain; which was read twice, and committed.—The report is as follows:

That on due consideration of the memorial, and of the evidence of the facts therein contained, they are satisfied that the memorialists and their associates were residents in Upper Canada at the commencement of the late war between the United States and Great Britain, to which they had migrated from the United States; that unwilling to take up arms against their native country, being attached to the principles and forms of its Government, and encouraged by the hopes of success and protection held out to them by the commanders of the several American armies which appeared on their frontier and invaded their province, they abandoned their families and their fortunes, and joined the American standard; that these acts incurred a forfeiture of their estates to the British Government, which were seized to the use of that Government by its officers, in pursuance of laws passed for that purpose. It further appeared to your committee that the memorialists and their associates joined the American army at a period when their services were much wanted, and that they were with the army in all its important actions and operations on the Niagara, during the campaign of 1814, under General Brown, and contributed much to its success by their bravery, their acquaintance with the inhabitants of the Canadas, and the knowledge they imparted of the local situation of the country; that, in consequence of their adherence to the American cause, some of them were reduced from opulence, and all of them to want.

Your committee are therefore of opinion that the case of the memorialists and their associates presents a strong claim on the equity of this Government, and have instructed their chairman to present a bill for their relief.

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Mr. ROBERTSON offered for consideration a resolution to this effect:

"Resolved, That the President of the United States be requested to lay before this House such information as he may possess, which he may not think it improper to communicate, relative to the demands said to have been made by the Government of Spain for the cession of a part of Louisiana.

Mr. R. said he felt it his duty to make this motion, in consequence of the reports with which the papers in various parts of the nation teemed in respect to the subject. If it was a topic highly interesting to the people of the United States generally, it was particularly so to the people of the State which he represented,

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(Louisiana.) They had been sufficiently annoyed and vexed, for the last fifteen years, by frequent changes and rumors of changes of their form of Government; and whether this report were true or not, it was proper that the minds of his constituents should be quieted in regard to it. The immense distance at which they were situated from the Seat of Government would make them more anxious to know the truth on this head; and he should feel that he neglected their interests if he failed to make the effort which he had done, to remove all doubts from their minds on the subject.

The motion was agreed to without debate, and without a division; and Messrs. ROBERTSON and CLAYTON appointed a committee to lay the same before the President.

THURSDAY, January 25.

Valuation of Real Estate, and of Slaves.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement of the valuations of lands, lots, and dwelling-houses, and of slaves, in the several States, made under the act of Congress of the 22d of July, 1813, in obedience to a resolution of the 22d instant; which were read, and ordered to lie on the table. The letter is as follows:

TREASURY DEPARTMENT,

January 25, 1816.

SIR: In obedience to the resolution of the House of Representatives, of the 22d instant, I have the honor to transmit a statement of the amount of valuations of lands, lots, and dwelling-houses, and of slaves, in the several States, made under the act of Congress of the 22d of July, 1813; so far as the same have been returned by the principal assessors to this Department.

I have the honor to be, yours, &c.

A. J. DALLAS.

The Honorable the SPEAKER
of the House of Representatives.

Statement of the amount of valuations of lands, lots, and dwelling-houses, and of slaves, in the several States, made under the act of Congress of the 22d of July, 1813, and returned by the principal assessors to the Treasury.

The States of New Jersey, Pennsylvania, Virginia, South Carolina, Georgia, Ohio, and Kentucky, assumed and paid their quotas of the tax, and no valuations, therefore, were made under the act of July 22, 1813, in those States.

Value of lands, lots, and dwelling-houses.

New Hampshire	\$36,957,825
Massachusetts	149,253,514
Vermont	32,747,290
Rhode Island	21,567,020
Connecticut	86,546,841
New York *	265,224,983
Delaware †	14,218,950
Maryland	106,490,638
North Carolina ‡	58,114,952
Tennessee §	28,748,986
Louisiana, one district viz: the 2d	2,812,785

Value of Slaves.

New Hampshire.
Massachusetts.
Vermont.

Rhode Island.	
Connecticut	\$3,193
New York *	842,163
Delaware †	142,519
Maryland	14,525,845
North Carolina ‡	34,082,545
Tennessee §	9,662,925
Louisiana, one district, viz: 2d	2,284,765

Total Valuation.

New Hampshire	\$36,957,825
Massachusetts	149,253,514
Vermont	32,747,290
Rhode Island	21,567,020
Connecticut	86,550,033
New York *	266,067,145
Delaware †	14,361,469
Maryland	121,016,483
North Carolina ‡	92,197,497
Tennessee §	38,411,911
Louisiana, one district, viz: the 2d	4,957,550

* The returns from the two districts (the 12th and 25th) of the valuations for the year 1814, have not been received. The valuations of these two districts for the year 1815, have been taken. In four districts (the 7th, 12th, 21st, and 25th) the valuations of slaves are not given distinctly from the valuations of lands, lots, and dwelling-houses.

† In one district (the 3d) the valuation of slaves is not given distinctly from the valuation of lands, lots, and dwelling-houses.

‡ In two districts (the 5th and 12th) the valuation of slaves is not given distinctly from the valuation of lands, lots, and dwelling-houses.

§ The returns from one district (the 3d) of the valuations for the year 1814, have not been received. The valuation of this district for 1815, as fixed by the board of principal assessors, has been taken. The valuations of slaves in two districts (the 3d and 4th) are not given distinctly from the valuation of lands, lots, and dwelling-houses.

|| No returns for the year 1814 have been received from any of the districts, except the 2d, here given.

FRIDAY, January 26.

The following Message was received from the
PRESIDENT OF THE UNITED STATES:

To the House of Representatives
of the United States:

In compliance with the resolution of the 24th inst., I transmit two letters from the Envoy Extraordinary and Minister Plenipotentiary of Spain to the Secretary of State, with his answer. JAMES MADISON.

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Referred to the Committee on Foreign Affairs.

SATURDAY, January 27.

Another member, to wit, from New Jersey, THOMAS WARD, appeared, produced his credentials, was qualified, and took his seat.

Eastport Merchants sued by the British on Duty-bonds.

Mr. KING, of Massachusetts, presented a petition of Jabez Mowry, and others, citizens of the United States, stating that, upon the capture of Eastport by the British forces during the late war, a number of bonds given by them to the United States, to secure the duties on imported merchandise, fell into the hands of

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the British authorities; that suits have been commenced against some of them by the British Government at Halifax, and judgment rendered; that the cases are now pending before the higher courts in Great Britain; that some of them have been arrested and confined for three months at Halifax, and that others have been pursued by the British military force within the acknowledged limits of the United States, since the ratification of the Treaty of Peace; that the civil authorities of the United States have also commenced suits against them on said bonds; and praying the interposition of the Government of the United States between them and Great Britain; upon which they are prepared to pay the money into the Treasury of the United States. Referred to Messrs. KING of Massachusetts, CONNER, WHEATON, YATES, and BENNETT.

The Revenue—Direct Tax and the Peace.

The House then again resolved itself into a Committee of the Whole on the Revenue subject. The question still under consideration was the proposition, by way of amendment, to repeal the direct tax.

Mr. McKEE spoke in favor of this motion.

Mr. PARRIS, of Massachusetts said: I should not have risen in favor of the amendment proposed by the honorable member from Kentucky, had it not been for the unexpected opposition it met with from one of my honorable colleagues on yesterday; unexpected I say, sir, because representing a people whose interests and sentiments are the same, I did not anticipate a difference in opinion on so important a subject. But, since I am so unfortunate as to differ from that honorable gentleman, with whom I usually act, it may be due to him, it certainly is to myself, that I should explain, in a few words, the reasons which will influence my vote.

I consider the object of the amendment to be a total repeal of the system of direct taxation upon the country; a total repeal of a measure obnoxious in itself, and to which this nation will never submit, unless under circumstances rendering it necessary for the purpose of defending its rights or protecting its liberties. Sir, when this tax was laid, such a necessity was apparent; when it was increased its necessity was doubly so. What then was the situation of this country? Under what extreme pressure were these taxes submitted to? It is fresh in the recollection of every member of this House. Where, on the frontiers, were we not assailed? In the West, where were we not constantly alarmed by the depredations of the savages? In the North, where were we not threatened with immediate invasion? In the East, what part of our territory was in possession of the enemy? On the Atlantic, what coasts were not lighted by the flames of our ships: and I might ask, what was the internal situation of this country? An honorable member from Massachusetts (Mr. HULBERT) told us the other day, that the

face of this nation had become pale. Sir, instead of a paleness being upon the face of the nation, the stupor, the coldness, and the inactivity of death were fast seizing upon some of the extreme members—a disease which threatened not so much the dissolution of the system, as the most fatal consequences to the parts disordered. Sir, under such circumstances, these taxes were submitted to. The people saw the necessity of placing in requisition the resources and energies of the nation, and of making a most powerful effort to save their country from the ravages of a vindictive enemy.

From the Administration that had declared war, not only by the consent, but at the imperative call of the people; from that Administration the same people would not withhold the means of its prosecution.

I ask gentlemen to recollect for what purpose these taxes were laid; I call upon them to consider the extreme circumstances under which they were laid, and I warn them of the consequences of continuing the system after that pressure and those circumstances are removed. If I believed this tax to be necessary for the purpose of defraying the expenses of the late war, if the faith of the Government could not be redeemed without it, or were it necessary to resuscitate the drooping credit of the nation, as odious as it is, as obnoxious as it is, as unequal as it is, it should have my warmest support, as should all other bills having the same object that might find their way to your table. Sir, in no section of this country have the people done more to aid the prosecution of the war, than in that which I have the honor particularly to represent. In none, have they been more ready to contribute the means or furnish the efficient force, and in no district of equal population are to be found more of those honorable but unfortunate testimonials which are the pride and the glory of the soldier. It is with peculiar satisfaction that I can assert, confidently assert, that the yeomanry of Maine are among the most firm supporters of your measures; and knowing them, as I do, respecting those with whom I have been intimate from my birth, I should hazard nothing in guaranteeing their future support. But, patriotic as they are, they do not expect that the taxes levied in consequence of the war will be continued as a system in peace. For what purpose do we want the product of this tax? To what use will we apply it? These are questions which the people have a right to ask us, and which we cannot avoid, but must answer. They pay the money, and of however little importance we may think the laying of this tax, believe me, sir, the farmer will not consider it so unimportant when he is paying it. Compare the receipts and expenditures as estimated by the Secretary of the Treasury in his official report, compare the same as estimated by the Committee of Ways and Means in their exhibit to the House, and granting those estimates to be perfectly correct, tell me, if you can, where

will be the deficiency. It will be nowhere; there will be no deficiency; your ways and means will be sufficient, amply sufficient, without the direct tax, without the furniture tax, and without the taxes on manufactures, the long catalogue of which I hope never again to see incorporated in our statute book. Why will this tax be odious?—because, as was the case in 1798, it may be difficult to convince the people of its necessity. Like causes produce like effects. The fate of the unfortunate Administration of that day should be held up as a memento to every succeeding, and the rocks on which that foundered ought never to be obliterated from our political chart. Another reason why this mode of taxation is odious, is the great expense of its assessment and collection, and the number of officers employed in aiding its passage from the pocket of the citizen to the vaults of our Treasury. The people are unaccustomed to this mode of taxation; instead of rendering the valuation and paying the assessment to officers of their own choice, and belonging to their immediate neighborhood, they are called upon by men with whom they have no acquaintance, and in whose selection they have no voice. To this may be added another reason for repealing this tax, which, although the last, is by no means the least important; I refer to the great inequality of its operation, not only among the several States, but among individuals of the same State, which I will attempt to prove. Sir, on examining the books in the office of the Secretary of the Treasury, it will be found, that taxable property of a given value in one State, pays more than double the amount of tax that is paid on property of an equal value in another, and that too in States where the constitutional provisions relating to direct taxation, have a similar operation. Take, for example, Massachusetts, Rhode Island, Connecticut, and Vermont. The average of the tax contemplated by the resolution now under debate, will be in Massachusetts, twenty-one cents on each hundred dollars of taxable property; in Vermont, it will be thirty cents; in Rhode Island but sixteen; and in Connecticut but thirteen. The result will be this, that laying the proposed tax according to the provisions of the constitution, the State of Massachusetts at the above rate of twenty-one cents upon each hundred dollars of taxable property will pay three hundred and sixteen thousand dollars, when at the rate as paid by Rhode Island, her proportion would amount to but two hundred and forty-two thousand dollars, and as paid by Connecticut only to one hundred and ninety-seven thousand dollars. Against Vermont, the inequality will be still greater; the quota of that State will be ninety-eight thousand dollars, while the same amount of property in Connecticut will pay but forty-three thousand. This great inequality, which cannot be avoided without a violation of constitutional principles, is to my mind a sufficient justification for advocating an entire repeal of the system.

Mr. CLAY (Speaker) said the course had been pursued ever since he had had the honor of a seat on this floor, to select some subject during the early part of the session, on which, by a general understanding, gentlemen were allowed to indulge themselves in remarks on the existing state of public affairs. The practice was a very good one, he said, and there could be no occasion more proper than that of a proposition to lay a direct tax.

Those who have for fifteen years past administered the affairs of this Government, have conducted this nation to an honorable point of elevation, at which they may justly pause, challenge a retrospect, and invite attention to the bright field of prosperity which lies before us.

The great objects of the Committee of Finance in the report under consideration are, in the first place, to provide for the payment of the public debts, and in the second, to provide for the support of the Government, and the payment of such expenses as should be authorized by Congress. The greater part of the debt, Mr. C. admitted, had grown out of the late war; yet a considerable portion of it consisted of that contracted in the former war for Independence, and a portion of it perhaps of that which arose out of the wars with Tripoli and Algiers. Gentlemen had on this occasion, therefore, fairly a right to examine into the course of the Administration heretofore, to demonstrate the impolicy of those wars, and the injudiciousness of the public expenditures generally. In the cursory view which he should take of this subject, he must be allowed to say he should pay no particular attention to what had passed before in debate.

He proceeded to examine the conditions of the peace and the fruits of the war—questions of more recent date, and more immediately applicable to the present discussion. The terms of the peace, Mr. C. said, must be determined by the same rule that was applicable to the declaration of war—that rule which was furnished by the state of the world at the time the peace was made. And, even if it were true that all the sanguine expectations which might have been formed at the time of the declaration of war were not realized by the terms of the subsequent peace, it did not follow that the war was improperly declared, or the peace dishonorable, unless the condition of the parties in relation to other powers remained substantially the same throughout the struggle, and at the time of the termination of the war, as they were at the commencement of it. At the termination of the war, France was annihilated—blotted out of the map of Europe;—the vast power wielded by Bonaparte existed no longer. Let it be admitted that statesmen, in laying their course, are to look at probable events—that their conduct is to be examined with reference to the course of events which in all human probability might have been anticipated—and is there a man in this House in existence who can say, that on the 18th day of June, 1812, when

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the war was declared, it would have been anticipated that Great Britain would, by the circumstance of a general peace, resulting from the overthrow of a power whose basements were supposed to be deeper laid, more ramified, and more extended, than those of any power ever were before—be placed in the attitude in which she stood in December, 1814? Would any one say that the Government could have anticipated such a state of things, and ought to have been governed in its conduct accordingly? Great Britain, Russia, Germany, did not expect—not a power in Europe believed—as late even as January, 1814, that, in the ensuing March, Bonaparte would abdicate, and the restoration of the Bourbons would follow. What then was the actual condition of Europe when peace was concluded? A perfect tranquillity reigned throughout; for, as late as the 1st of March, the idea of Napoleon reappearing in France was as little entertained as that of a man's coming from the moon to take upon himself the government of the country. In December, 1814, a profound and apparently permanent peace existed. Great Britain was left to dispose of the vast force—the accumulation of twenty-five years—the work of an immense system of finance and protracted war. She was at liberty to employ that undivided force against this country. Under such circumstances, it did not follow, Mr. C. said, according to the rules laid down, either that the war ought not to have been made, or that peace, on such terms, ought not to have been concluded.

What then, Mr. C. asked, were the terms of the peace? The regular Opposition in this country—the gentlemen on the other side of the House—had not come out to challenge an investigation of the terms of the peace, although they had several times given a sidewise at the treaty on occasions with which it had no necessary connection. It had been sometimes said that we had gained nothing by the war—that the fisheries were lost, &c. How, he asked, did this question of the fisheries really stand? By the first part of the third article of the Treaty of 1783, the right was recognized in the people of the United States to take fish of every kind on the Grand bank and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time to fish. This right was a necessary incident to our sovereignty, although it is denied to some of the powers of Europe. It was not contested at Ghent; it has never been drawn in question by Great Britain. But, by the same third article, it was further stipulated that the inhabitants of the United States shall have "liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that island,) and also on the coast, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty

to dry and cure fish in any of the unsettled bays, harbors, and creeks, of Nova Scotia, Magdalen Island, and Labrador, so long as the same shall remain unsettled; but, so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors, of the ground."

The British Commissioners, assuming that those liberties had expired by the war between the two countries, at an early period of the negotiation declared that they would not be revived without an equivalent. Whether the Treaty of 1783 does not form an exception to the general rule, according to which treaties are vacated by a war breaking out between the parties, is a question on which he did not mean to express an opinion. The first article of that treaty, by which the King of Great Britain acknowledges the sovereignty of the United States, certainly was not abrogated by the war; that all the other parts of the same instrument which define the limits, privileges, and liberties, attaching to that sovereignty, were equally unaffected by the war, might be contended for with at least much plausibility. If we determined to offer them the equivalent required, the question was, what should it be? When the British Commissioners demanded, in their *projet*, a renewal to Great Britain of the right to the navigation of the Mississippi, secured by the Treaty of 1783, a bare majority of the American Commissioners offered to renew it, upon the condition that the liberties in question were renewed to us. He was not one of that majority. He would not trouble the committee with his reasons for being opposed to the offer. A majority of his colleagues, actuated he believed by the best motives, made however the offer, and it was refused by the British Commissioners.

If the British interpretation of the Treaty of 1783 be correct, we have lost the liberties in question. What the value of them really is, he had not been able to meet with any two gentlemen who agreed. The great value of the whole mass of our fishery interests, as connected with our navigation and trade, was sufficiently demonstrated by the tonnage employed; but, what was the relative importance of these fisheries, there was great contrariety of statements. They were liberties to be exercised within a foreign jurisdiction, and some of them were liable to be destroyed by the contingency of settlement. He did not believe that much importance attached to such liberties. And, supposing them to be lost, we are perhaps sufficiently indemnified by the redemption of the British mortgage upon the navigation of the Mississippi. This great stream, on that supposition, is placed (where it ought to be) in the same independent condition with the Hudson, or any other river in the United States.

If, on the contrary, the opposite construction of the Treaty of 1783 be the true one, these

liberties remain to us, and the right to the navigation of the Mississippi, as secured to Great Britain by that instrument, continues with her.

But, Mr. C. said, he was surprised to hear a gentleman from the Western country (Mr. HARDIN) exclaim, that we had gained nothing by the war. Great Britain acquired, by the treaty negotiated by Mr. Jay, the right to trade with the Indians within our Territories. It was a right upon which she placed great value, and from the pursuit of which she did not desist without great reluctance. It had been exercised by her agents in a manner to excite the greatest sensibility in the Western country. This right was clearly lost by the war; for whatever may be the true opinion as to the Treaty of 1783, there can be no doubt that the stipulations of that of 1794 no longer exist.

It had been said, that the great object in the continuation of the war had been to secure our mariners against impressment, and that peace was made without accomplishing it. With regard to the Opposition, he presumed that they would not urge any such argument. For, if their opinion was to be inferred (though he hoped in this case it was not) from that of an influential and distinguished member of the Opposition, we had reason to believe that they did not think the British doctrines wrong on this subject. He alluded to a letter said to be written by a gentleman of great consideration, residing in an adjoining State, to a member of this House, in which the writer states that he conceives the British claim to be right, and expresses his hope that the President, however he might kick at it, would be compelled to swallow the bitter pill. If the peace had really given up the American doctrine, it would have been, according to that opinion, merely yielding to the force of the British right. In that view of the subject, the error of the Administration would have been in contending for too much in behalf of this country; for he presumed there was no doubt that, whether right or wrong, it would be an important principle gained to secure our seamen against British impressment. And he trusted in God that all future Administrations would rather err on the side of contending for too much than too little for America.

But Mr. C. was willing to admit that the conduct of the Administration ought to be tried by their own opinions, and not those of the Opposition. One of the great causes of the war, and of its continuance, was the practice of impressment exercised by Great Britain; and if this claim has been admitted, by necessary implication or express stipulation, the Administration has abandoned the rights of our seamen. It was with utter astonishment that he heard that it had been contended in this country, that because our right of exemption from the practice had not been expressly secured in the treaty, it was therefore given up! It was impossible that such an argument could be advanced on that floor. No member who regarded his reputa-

tion would dare to advance such an argument here.

Had the war terminated, the practice continuing, he admitted that such might be a fair inference; and on some former occasion he had laid down the principle, which he thought correct, that if the United States did then make peace with Great Britain, the war in Europe continuing, and therefore she continuing the exercise of the practice, without any stipulation to secure us against its effects, the plain inference would be, that we had surrendered the right. But what was the fact? At the time of the conclusion of the treaty of peace, Great Britain had ceased the practice of impressment; she was not only at peace with all the powers of Europe, but there was every prospect of a permanent and durable peace. The treaty being silent on the subject of impressment, the only plain, rational result was, that neither party had conceded its rights, but they were left totally unaffected by it. Mr. C. said he recollected to have heard in the British House of Commons, whilst he was in Europe, the very reverse of the doctrine advanced here on this subject. The British ministry were charged by a member of the Opposition with having surrendered their right of impressment, and the same course of reasoning was employed to prove it as he understood was employed in this country to prove our acquiescence in that practice. The argument was this: the war was made on the professed ground of resistance of the practice of impressment; the peace having been made without a recognition of the right by America, the treaty being silent on the subject, the inference was, that the British authorities had surrendered the right; that they had failed to secure it, and, having done so, had in effect yielded it. The member of the Opposition in England, was just as wrong as any member of this House would be, who should contend that the right of impressment is surrendered to the British government. The fact was, Mr. C. said, neither party had surrendered its rights; things remain as though the war had never been made; both parties are in possession of all the rights they had anterior to the war. Lest it might be deduced that his sentiments on the subject of impressment had undergone a change, he took the opportunity to say, that although he desired to preserve peace between Great Britain and the United States, and to maintain between them that good understanding calculated to promote the interest of each, yet, whenever Great Britain should give satisfactory evidence of her design to apply her doctrine of impressment as heretofore, he was, for one, ready to take up arms again to oppose her. The fact was, that the two nations had been placed in a state of hostility, as to a practice growing out of the war in Europe. The war ceasing between Great Britain and the rest of Europe, left England and America engaged in a contest on an aggression which had also practically ceased. The question had then presented itself, whether

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the United States should be kept in war, to gain an abandonment of what had become a mere abstract principle, or looking at the results, and relying on the good sense and sound discretion of both countries, we should not recommend the termination of the war. When no practical evil could result from the suspension of hostilities, and there was no more than a possibility of the removal of the practice of impressment, I, as one of the mission, consented with sincere pleasure to the peace, satisfied that we gave up no right, sacrificed no honor, compromised no important principle. He said, then, applying the rule of the actual state of things, as that by which to judge of the peace, there was nothing in the conditions or terms of the peace that was dishonorable, nothing for reproach, nothing for regret.

What have we gained by the war? Mr. C. said he had shown we had lost nothing in rights, territory, or honor; nothing for which we ought to have contended, according to the principles of gentlemen on the other side, or according to our own. Have we gained nothing by the war? Let any man look at the degraded condition of this country before the war; the scorn of the universe, the contempt of ourselves; and tell me if we have gained nothing by the war? What is our present situation? Respectability and character abroad—security and confidence at home. If we have not obtained in the opinion of some the full measure of retribution, our character and constitution are placed on a solid basis, never to be shaken. The glory acquired by our gallant tars—by our Jacksons and our Browns on the land—is that nothing? True, we have had our vicissitudes; that there were humiliating events which the patriot could not review without deep regret. But the great account, when it came to be balanced, thank God, would be found vastly in our favor. Is there a man, he asked, who would have obliterated from the proud pages of our history, the brilliant achievements of Jackson, Brown, Scott, and the host of heroes on land and sea whom he would not enumerate? Is there a man who could not desire a participation in the national glory acquired by the war? Yes, national glory, which however the expression may be condemned by some, must be cherished by every genuine patriot. What do I mean by national glory? Glory, such as Hull, of the Constitution, Jackson, Lawrence, Perry, have acquired. And are gentlemen insensible to their deeds—to the value of them in animating the country in the hour of peril hereafter? Did the battle of Thermopylae preserve Greece but once? While the Mississippi continues to bear the tributes of the iron mountains and the Alleghany to her Delta, and to the Gulf of Mexico, the 8th of January shall be remembered, and the glory of that day shall stimulate future patriots, and nerve the arms of unborn freemen in driving the presumptuous invader from our country's soil! Gentlemen may boast of their insensibility to feelings inspired by the contemplation of such events. But he would ask does the re-

collection of Bunker's Hill, of Saratoga, of Yorktown, afford them no pleasure? Every act of noble sacrifice to the country, every instance of patriotic devotion to her cause, has its beneficial influence. A nation's character is the sum of its splendid deeds. They constitute one common patrimony—the nation's inheritance. They awe foreign powers. They arouse and animate our own people. Do gentlemen derive no pleasure from the recent transactions in the Mediterranean? Can they regard unmoved, the honorable issue of a war, in support of our national rights, declared, prosecuted, and terminated by a treaty in which the enemy submitted to a *carte blanche*, in the short period of forty days? The days of chivalry are not gone. They have been revived in the person of Commodore Decatur, who, in releasing from infidel bondage Christian captives, the subjects of a foreign power, and restoring them to their country and their friends, has placed himself beside the most renowned knights of former times. I love true glory, said Mr. C. It is this sentiment which ought to be cherished; and in spite of cavils and sneers, and attempts to put it down, it will finally conduct this nation to that height to which God and nature have destined it. Three wars, those who at present administer this Government may say, and say with proud satisfaction, they have safely conducted us through. Two with powers which, though otherwise contemptible, have laid almost all Europe under tribute—a tribute from which we are now exonerated. The third, with one of the most gigantic powers that the world ever saw. These struggles have not been without their sacrifices, nor without their lessons. They have created or rather greatly increased the public debt. They have taught that to preserve the character we have established, preparation for war is necessary.

When Mr. Clay had taken his seat—

Mr. HOPKINSON rose and said: My participation in the counsels of the country is of such recent date, that I may feel astonishment at occurrences which excited no surprise in more experienced politicians. The course which the business now under discussion has taken appears to me to be a phenomenon in legislation. This Congress, sir, assembled after the conclusion of a war which had called for vast efforts and expenditures, and accumulated a very heavy debt. At the commencement of the session the usual committees for the arrangement of the public business were appointed, and among the rest, most prominent and most important, the Committee of Ways and Means. It was the duty of this committee to examine into the state of the finances of the nation, to make accurate estimates of its wants, a judicious examination of its means, and fairly and impartially to apply the one to the necessities of the other. The committee then appointed, in due time, and it is presumed on due consideration, made their report upon these high matters to the House, and the debate we are now engaged in arises

out of that report. In the usual course of parliamentary affairs, it was doubtless to have been expected, that the opposition, if any, to the estimates and means thus furnished by the avowed friends of the Administration, would have come from what I find is called "the Opposition." But no such thing. We, on this side of the House, sat patient and silent, prepared to take our share of the burden, and endure our portion of the suffering. As far as we can judge from the indications in our knowledge, the system then matured and delivered, would have, generally at least, been adopted and carried into operation—when, behold, the storm of opposition rises, not with the Opposition, but the declared friends and supporters of the Administration, and of those measures which have called for these extraordinary burdens and supplies! I should have supposed that these gentlemen would have been willing to forget local interests, to surrender subordinate opinions, and to unite heartily in the great work of paying the national debt, and providing for future expenditures. But, I beg it may be distinctly remembered, that the first assault upon the reported system of finance, that assault which goes to its vitality, and opened a breach which others—still declared friends of the Administration—have widened, was made by the honorable gentleman from Kentucky, the Speaker of the House. A motion was made by that gentleman to reduce the land tax from three to two millions. This motion failed. Not disheartened by the defeat, he followed up the attempt by a blow infinitely more deadly to the whole scheme, by moving that the land tax should be an annual tax; while every other tax reported is perpetual, and the whole together declared to be a permanent system of taxation. In this, the gentleman was successful, and so great a part as three millions of a permanent system, has assurance of existence but for a single year. If this unfortunate, and I may say ill-judged movement, shall throw the whole into confusion, and the Government is thereby embarrassed, the public faith impeached, and the public establishments pinched, let it be remembered whence these evils have flowed; let them be traced to their true source, the friends of the Administration, and not to the Opposition. When the honorable Speaker had made this first step, it was natural to expect that some other gentleman, of the same side, should be ambitious to step before him, and accordingly we find that his colleague proposes to abolish altogether this odious land-tax, and strike it out of the system; and, of course, to throw these three millions upon the shoulders of those who have been, or may be, kind enough to take the rest of the burden. Is this dealing fairly and equitably by all? But, sir, the cause of wonder does not stop here; the greater wonder is yet untold. No sooner does the honorable Speaker suggest his essential, his vital change in this system of finance, than the honorable chairman of the committee, by whom it was reported,

surrenders it at discretion, without an effort to defend or a struggle to preserve it. Can it be expected that we, in opposition, however well disposed, can retain our confidence in a system thus solemnly reported, as the mature work of knowledge and deliberation, and thus abandoned as if the plaything of a child? I know not the reasons which have determined the honorable chairman to this course. His intelligence and candor oblige me to believe that he can give a satisfactory explanation of it, but until it is given I must pause in my confidence. For myself, sir, I assure you most seriously, that I took my seat here with a fixed intent to give all the aid in my power to extricate the country from her difficulties, and to provide for her future support; to place the resources of the nation fairly and liberally at the disposal of those whom the people have chosen to govern them, and to suffer no feelings of my own in relation to the Administration to interfere with the conscientious discharge of my duty as an American legislator. But how must I hesitate in the course which would bring me to these results, when I find those who are appointed to lead the way, and are presumed to have all the information necessary for the purpose, halting and receding in their steps, and uncertain whether the path lies in this or in that direction; in fact differing among themselves as to the measures to be pursued! While I would watch with double scruple and care, the uses made of the public resources by an Administration not possessing my confidence, I could by no means feel justified in withholding those resources, and suffering the Government itself to fall into dissolution. I will not let my house go to decay, because I do not like the tenant.

On the subject of the motives, the policy, and the conduct of the war; the advantages and the glory of the peace; I had hoped to hear not a syllable within these walls, and certainly never intended to make them topics of discussion. I was willing to consider the war as an evil gone by, to be remembered no more as a source of irritation and reproach, and recurred to only for its lessons of wisdom and experience. I desired to look to the country in the actual situation in which we find her; to heal the deep wounds inflicted upon her: re-animate her powers, and restore her strength. My attention has not, therefore, been for a moment turned to the numerous considerations that belong to the questions of the war and the peace. But, sir, how has this moderation, for such I must call it, been received by the honorable Speaker, who has this moment sat down? He has gone into an elaborate and animated justification—nay, eulogium of the war, and a magnificent display of the glory and advantages of the peace. And, sir, not satisfied with this, he has said the Opposition, as he calls us, has not yet challenged either; and he challenges us to do so. Sir, I feel most fully the rashness of taking up this challenge on the instant, unarmed, unprepared, and without a moment's antici-

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tion that I should be drawn into the contest. I will, however, venture upon it, taking the gentleman's own positions for my guide; and hoping to refute him on the very points and grounds he has chosen to place himself, in relation to the gains of the peace particularly. Let me, however, premise that this peace had and has, my hearty approbation; and most grateful I am to those who made it. God forbid that I should reproach a measure which I solemnly and conscientiously believe snatched my country from the brink of the gulf of ruin. The Federal Government was at the last gasp of existence. But six months longer, and it was no more. Yes, sir; trust me that but for this providential peace, you and I would not be here listening to proud declamations on the glory of the war; we should have heard nothing of a Congress at this time but as a thing that was; we should have had no profound plottings about a next President; no anxious longings for federal offices. The General Government would have dissolved into its original elements; its powers would have returned to the States from which they were derived, and they, doubtless, would have been fully competent to their own defence against any enemy. Does not everybody remember that all the great States, and, I believe, the small ones too, were preparing for this state of things, and organizing their own means for their own defence? When, therefore, I speak of our desperate condition, I speak only of the General Government, and not of the country, of which I never did despair, and never can. But, sir, as I believe that the strength, prosperity, and happiness of this country essentially depend upon the maintenance of the Federal Government, can I but be grateful for an event which has preserved it? This source of approbation, however, is obviously independent of the terms of this boasted treaty, in which I see none of the advantages so boasted of; and, indeed, no excellence but the redemption from evil.

The honorable Speaker has boldly and distinctly put the question, "What have we gained by the war?" and imposed upon himself the task of exhibiting and proving those mighty gains. But, to my astonishment, the whole of his argument was exerted to prove not what we have gained, for not an item of gain was produced, but what we have not lost. In what manner any gain is to be made out of this I cannot conjecture. To begin with the fisheries. The gentleman has told us that our right in them was held under the treaty of 1783; that in the late negotiation the British Commissioners contended that, by our war, we had forfeited all the rights held under former treaties, and, among the rest, the use of these fisheries. I do not understand from the gentleman that our Commissioners assented to this doctrine, but rather that they made their objections to it. But, still, I cannot see how all this proves we have not lost the fisheries; and whether we lost them by the argument or the war, the only important fact remains unquestioned, that we

have lost them. As our present inquiry, to which we are challenged, is into the gains of the war, it seems to me that the loss of the fisheries, however lost, cannot add much to the account of our gains. Thus a physician may give a most learned and unanswerable detail of the reasons why and how his patient died; but I have never heard that the argument restored him to life, or satisfied anybody that he was not dead. The honorable Speaker, however, has endeavored to comfort us for this *gain*, by reminding us that the same argument which deprived us of the fisheries took from the enemy the navigation of the river Mississippi, which he held under a former treaty. If this set-off were even of a sufficient value to compensate for our loss, (and one gentleman thinks it essentially more valuable,) I still cannot see how it could aid the main point of this discussion, which is, to display our gains by war, and to place the loss of the fisheries on the list. But, unfortunately for his comfort, the gentleman has been candid enough to inform us that our Commissioners actually offered to renew the Mississippi right to the British if they would renew our right to the fisheries. The offer was rejected, and proves, at least, that our Commissioners thought the fisheries worth the navigation of the river, and that the British Commissioners did not think that navigation worth the fisheries.

The next attempt made by the honorable gentleman, in displaying our gains by the war, was on the subject of the impressment of seamen—this great bone of contention. What is the argument to show that we have gained any thing here? The gentleman sets out with alluding to a letter, which has appeared in the papers, and excited much clamor with some people, written by a distinguished gentleman in the Opposition, as the honorable Speaker describes him. Now, says the Speaker, the writer of this letter fully adopts and justifies the British doctrine on the subject of impressment; and if the gentlemen in the Opposition hold the same opinions, surely it is not for them to complain that the treaty has done nothing in relation to it. This is the great argument. Now, in the first place, I deny that it is fair to urge upon us, on this floor, the sentiments or opinions of a letter, by whosoever it may have been written. I am not now called upon to express any opinion upon the principles held by the respectable writer of that letter; at present I protest against members on this floor being called upon to be judged by a document of that description. But that the honorable gentleman may have the full benefit of this circumstance, I will agree that the Opposition maintain the doctrines of that letter. What inference can be drawn from it, to prove that the treaty in question has gained any thing on that subject? We have no right to complain—be it so—but is any thing gained by this? Is the American seaman more secure than he was before, or the American doctrine better established? If, in-

deed, the gentlemen who went to war for this principle have changed their opinion of it; if they also agree with the writer of this letter on the subject, I admit their justification of a treaty, which it does not surrender, at least leaves it as it was, is full and complete; for, why should they ask a principle to be recognized in a treaty, which they are convinced is erroneous, and ought to be abandoned? But if, on the other hand, those gentlemen adhere to their old opinions; if they still deny the right to search our vessels for British sailors, and to take such as they find there; if, in short, they still hold the principles, the recognition of which was the declared cause and object of the war, then, indeed, I cannot see how a war or a treaty which has gained nothing on this point, can be considered either successful or glorious. Certainly we can reckon nothing here in our account of gains. But, we are told such a change took place in the affairs of Europe, as to stop the practice of impressment; and this is all we need be concerned about. If it be so, we owe it confessedly, not to the success of our war, or the skill of our treaty, but to a change in the affairs of Europe, over which we had no control, and for which we can honestly claim no credit. How, then, is it an item in the account of our gain by the war and the treaty? We should have had the same gain in the same way, and at the same time, if we had had neither the war nor the treaty.

But I must beg leave to correct the honorable gentleman in this part of his argument. A mere abstinence from the practice of impressment was not all the American Government asked and contended for; but an explicit relinquishment of the principle under which it was defended. Let me refer to the official declarations of the Cabinet, that the war would be in vain, without an express recognition of our principle; let me also refer to the speeches on the floor of Congress, of the honorable Speaker himself, in which, in the strongest language, he maintains the same ground. Besides, if a cessation of the practice was all that was required, why did an arrangement fail? Why was a treaty rejected, which would have prevented the abuse of the principle, and secured us from the dangers of the practice. At least, however, says the honorable Speaker, we are in *statu quo*, we stand as well on this subject as we did before the war; we have given up nothing. To this, however, I cannot assent; and, if I did, I do not see how it would prove a gain by the war. How is the fact? Do we stand as strong on this point as we did before we took up arms for it? I think not; whatever may have been the strength of our claim before the war, it is weaker now. When a nation makes this last, this dread appeal, in support of an asserted right, and then concludes the war by a voluntary treaty without obtaining the right, or any recognition of it, the right is weakened by the unsuccessful attempt, followed by a voluntary abandonment, if not of

the right, at least of any acknowledgment of it. I may liken it to the case of an individual, who brings suit for a debt he alleges to be due to him, or a piece of land he claims as his own. If, after the commencement of the trial, he prosecutes it not to the issue, but suffers a nonsuit, and gives up his suit, if not his cause, nobody will think as well of his right as before. The man who abandons the prosecution of an asserted right, will excite much distrust of the right itself, and even of his own confidence in it. We do not, therefore, stand in *statu quo*, on the question of impressment.

The next subject of gain, introduced by the honorable gentleman as resulting from the joint operations of the war and the peace, is in relation to the islands in Passamaquoddy bay. We have lost nothing here, says he; we have merely agreed that each party shall hold in that bay what he might be possessed of at the date of the treaty; and the right be afterwards settled by Commissioners. Besides, says the honorable Speaker, we, the American negotiators, had every reason to believe that the valor and patriotism of Massachusetts would not only have rescued her own soil from the possession of the enemy, but have taken possession of the island of Grand Menan; and, in this case, we should have been the gainers by this arrangement; that, as to the first branch of this argument, we have lost nothing, because the right is not surrendered, but to be hereafter ascertained. Is it not undeniable, that we have, at least, lost the possession, which is transferred to the enemy until the right shall be determined; and all the advantages to be derived, even in the arbitration, by this possession? Has not a large portion of the citizens of the United States, in the mean time, been handed over to a new master and a new Government? and, more than all this, does anybody believe, but for this war, Great Britain would ever have troubled herself or us about those islands; or drawn into question the boundaries, as they have been received by both parties for so many years? In point of fact, therefore, in sober truth, we have, by this war and this treaty, lost the right, if hereafter it shall be decided against us; because, but for the war, it could never have been submitted to any question or decision. As to the expectations that were entertained by our Commissioners, of the conquest to be made by Massachusetts, I can see no just foundation for them. The arms and resources of all the United States being placed at the disposal of the General Government, whose duty it is to defend every State from invasion and conquest, the expectation would have been far more reasonable if it had been applied to the General Government, and not to the government of a State whose territory was occupied by the enemy. The expectation, however, apply it where you will, was disappointed; the possession of that portion of our country is lost; the right, at least, brought into unnecessary doubt and jeopardy; and, under

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these circumstances, I cannot reckon the result among the gains of the war.

But, leaving these matter-of-fact calculations, the honorable gentleman has expatiated upon a wider field of gain by the war, the glory that has been acquired. I do not exactly understand how those gentlemen who declared and produced the war, make out their claim to all the glory that was acquired by it. The war was made by the men in power—by the existing Administration, and I can trace none of the glory to their foresight, their wisdom, or their personal agency. The glory is due to the valor, the patriotism, the self-denial of our citizens, who met and repelled the dangers that surrounded them, and not to the Administration that brought them upon us; and, in many instances, perhaps a majority, the men who acquired this glory for their country were men utterly opposed to the war, to those who made it, and to the policy that produced it. Sir, I am not insensible of national glory; I hope I never shall be. It is the spring of national virtue, the source of high achievements; the people who disregard it are incapable of great actions, and unworthy of honor. But still I have never understood that the acquisition of glory is a legitimate cause of war, or an admitted justification of it, and therefore our glory cannot be taken as a gain of one of the objects of the war, which is the true point of inquiry now. In order that this blaze of glory may show the brighter by contrast, the honorable Speaker has painted in strong colors the degraded situation of our country at the period of declaring war. Our character was sunk almost to infamy; we had become the scorn and contempt of all Europe, and there was no nation so pitiful and weak that it did not insult and tread upon us. If this be true, and I am not disposed to question it, let me ask the honorable gentleman who made it so? Washington raised the reputation of the United States to a pitch of the most envied honor, and left them covered with true glory. He is guiltless. In the hands of Mr. Adams it faded a little, but was not extinguished. Then followed Mr. Jefferson, with whom the honorable Speaker has informed us his friends came into power, and they have held it ever since, to what purpose he has told us himself.

Thus, sir, I close the examination of the honorable gentleman's account of the gains of the war; and, be it as it is, I repeat that I heartily rejoice at the treaty he made for us; not because it is good in itself, but because it snatched us from infinitely greater evils. I have rashly ventured, on the instant, upon a reply to the argument of the gentleman, which deserved, and perhaps required, a much more deliberate and careful refutation.

TUESDAY, January 30.

Captain Henley.

Mr. PLEASANTS, from the Committee on Naval

Affairs, made a report on the memorial of Captain John D. Henley; which was read, and the resolution therein contained was concurred in by the House. The report is as follows:

The memorialist presents that, during the invasion of Louisiana by the British forces in December, 1814, he commanded the schooner *Caroline*, belonging to the United States, then lying at New Orleans; that, on the landing of the enemy on the 23d of December, he was requested by the American General to fall down the river, and take a position on the enemy's flank; that, in compliance with said request, the schooner fell down the river to the required position, where they opened a destructive fire on the enemy, which was continued until the Americans were so closely engaged with the British that a continuance of it would have been destructive to them as well as the enemy; that a fire of hot shot was at length opened on the schooner, by which she was set on fire, and finally blown up; that the memorialist, with his officers and crew, escaped with difficulty with their lives, and were unable to save their property, consisting of their clothing, and the nautical books and instruments of the officers, which was entirely lost, and for which they pray a remuneration from Congress.

The committee think this one of the cases of loss to which military men, both in the land and naval service, are frequently exposed; that numerous cases of the kind occurred during the late war, and must occur during all wars; that they believe there is no precedent of remuneration by Government for such losses. They therefore recommend the following resolution:

Resolved, That the prayer of the memorialist ought not to be granted.

The Revenue—Direct Tax.

The House then resolved itself into a Committee of the Whole, on the subject of the revenue—the question being on the proposition to repeal the direct tax.

Mr. WRIGHT supported the abolition of the direct tax, and in a speech of considerable length delivered his opinions on public affairs generally.

Mr. KING, of Massachusetts, addressed the Chair as follows:

Mr. Chairman, the report under consideration contains that system of revenue, for the present and succeeding years, which the Committee of Ways and Means recommends for our adoption. It is founded substantially, as was to have been expected, upon the annual report of the Secretary of the Treasury, made to the House at an early day in the session. In that report he says, if the system of 1815 should be preserved entire, there would be a deficit, for 1816, of \$3,484,269, but with the modifications which he submits the deficit will be \$6,484,269; and he remarks, that "the unexecuted authority to borrow money and issue Treasury notes, already provided by the acts of Congress, is sufficient to enable the Treasury to meet the deficit in either of these modes, and consequently no further legislative aid appears at this time to be required;" observing further, that the uniform experience of the Treasury evinces that the demands for a considerable portion of the annual

appropriation will not be made during the year." If, then, it can be shown to the House that the estimate of expenses for 1816 be too light, or that of the revenue too low, a proportionate deduction may be made from the taxes proposed to be levied. We fortunately have received from the Secretary a report supplementary to his annual report, whereby it appears he had estimated the revenue for 1816, receivable from the customs, too low by \$3,348,897. If from this excess you deduct the net amount of the land tax proposed by the resolution under consideration to be laid, to wit, \$2,700,000, and also the duty from postage, which it is intended to repeal, to wit, \$400,000, there will still remain \$248,897 to be carried to the surplus fund. From this view, then, it appears that the land tax is not necessary. I know very well that the Secretary informs us, in his supplementary report, that he could make a very good use of this excess; but, as he can do without it, I had rather oblige the people of this country, by lightening their burdens, than the Secretary.

But, sir, to these accumulated taxes, to the land tax particularly, I have one objection, which is local in its nature—the inability of a large portion of my constituents, and of Maine, generally, to pay these taxes. Sir, I consider it the sacred duty of members to represent the situation of the different sections of the country from which they come. God forbid that I should not endeavor, however humbly, to do justice to those constituents, without distinction of party, who have done more than justice to me. This is the first wish of my heart, but I say it not to win their favor; on the contrary, I can with equal sincerity say, that if it be their wish that I should this moment retire from these walls, I should do it with infinitely more pleasure than I ever entered them. The tax of six millions, for the last year, has not yet been collected; the lists were not delivered to the collectors until this month. At this inclement season of the year, in a cold, inhospitable climate, when many of them find it difficult to procure the common necessities of life—deprived of some of their accustomed modes of obtaining a living—a part of their fisheries and lumber trade gone—thus destitute, thus oppressed, they are called upon by your tax-gatherers. Sir, they cannot, they will not, in a time of peace, continue to pay these oppressive taxes; they are bad citizens who do not attend to the wants of their households, to all the domestic charities. You must not be surprised, then, if they provide for the wants of their families before those of the Government. One of my honorable colleagues, (Mr. PARRIS,) who addressed you yesterday, gave you the same information, and other honorable gentlemen have affirmed the same of their constituents. The fact is undeniable; our citizens are impoverished by the war, with the exception of a few favored districts in the South and West, and a host of army contractors and agents of the Government, who have friends at court, and swarms of

vermin generated in the corruption of the Administration.

But what is the real object of this overgrown, expensive, Military Establishment—of this burdensome system of duties and taxes? I think the honorable gentleman from Kentucky, (the SPEAKER,) in his eloquent speech yesterday, gave us a clue to it. War, war, is again to be the cry. And that honorable gentleman hesitated not to declare, that he considered it the true interest of this country to assist the patriots of South America; all his sympathies appear to be enlisted on their side; nay, more, the haughty Spaniard is to be driven from Florida; he cannot brook the imperious demand of the Don. I would advise that honorable gentleman seriously to reflect on the consequences of the late war, which he had so great an agency in producing, before he involves us in another. How does the honorable gentleman work himself up into this war fever? Where did he take this contagion? Was it on the field of Waterloo, which he informs us he visited, that he was inoculated with this military ardor? I should have thought the purport of that bloody field would have caused very different sensations—forty thousand human beings there, sunk to rest, caused by the mad ambition of a military despot! Still, the honorable gentleman cries, "glory, glory, I do love glory," with all the enthusiasm of a Parisian mob. What is the military glory of which he is enamored; is it "the baseless fabric of a vision," or is it founded on the blood of our citizens and the treasures of our country—on the misery and distress of human beings? Is he, indeed, again ready to "cry havoc, and let slip the dogs of war," to devour thirty thousand more American citizens; to squander one hundred millions more of treasure, wrung from the hard earnings of industry, and the distress of our people? Is he, indeed, enamored of the fame to which an Alexander, a Caesar, a mad Swede, or a Bonaparte, are damned? Is he to be the perpetual advocate for war? Does he delight in blood!

"Curs'd is the man, and void of law and right,
Unworthy property, unworthy light,
Unfit for public rule, or private care;
That wretch, that monster, who delights in war
Whose lust is murder, and whose horrid joy
To tear his country, and his kind destroy."

And let him remember, sir—

"That one murder makes a villain;
Thousands a hero!"

But it seems that the honorable gentleman commiserates France; or rather his sympathies, I suppose, as in the case of South America, are enlisted on the side of the revolutionists of that country; writhing under the lash of the combined despots, as he calls them; and he feelingly tells us to beware of the fate of France. What, let me ask him, brought down on France, as if from Heaven, this merited chastisement? Was it not this same thirst for glory, which is consuming him—the same career of conquest to

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which he would urge the people of this country—a most righteous retribution, that the liberties of France, if such they can be called, should fall, as she has caused those of other nations to fall? 'Tis just they should have right for right, which they have hacked by the sword, from other nations; drop for drop of blood; life for life; till the same measure of suffering which they have meted to other nations should be meted back to them again, heaped up and running over.

The honorable Speaker has adverted to the horrid, as I call them, but glorious, as he calls them, scenes of the late war—its causes, conduct, conclusion, and consequences—and then deliberately asserts, that were it to do over again, that were we now debating, under the same circumstances, in relation to this and other nations, whether or not war should be declared, his voice and his hand should again be raised in favor of it.

Think not, sir, that I am insensible to the renown which individuals have acquired in this disastrous conflict, though I am not sensible that your Administration have acquired any. Your Jackson, sir, was borne on the bosom of the Mississippi to victory and triumph at Orleans; may his gallant exploits, while that noble river rolls its rich contribution to the ocean, be in like manner wafted down the stream of time, till it mingles with the ocean of eternity! The fame of your Hull will survive his Constitution, and I fear that of his country; and Perry's victory of the Lake will be *are perennius*; your other heroes, sir, will live in the affections of a grateful country.

The honorable gentleman next goes from the gains of the war to the benefits of the peace; let us then examine, for a moment, the Treaty of Peace, and the famous convention with England. But he here complains that gentlemen on this side of the House have not come out on this subject. How could he expect it? It was not till Saturday last we received the information on the subject which was laid before the Senate; indeed, it was not till yesterday, when the honorable Speaker favored the House with his explanation of the business, that we understood it in all its bearings. He first informs us why Moose Island was left in the possession of the enemy; why that should be the only point to which the *uti possidetis* should apply; that it was confidently expected, by the Commissioners at Ghent, that the patriotism of Massachusetts would not only rescue that island from the enemy, but would also acquire the island of Grand Menon, as he calls it, but, which we, in plain Yankee, call Grand Menan—to which we have claim, the former lying "in the Bay of Passamaquoddy, which is part of the Bay of Fundy," and near the American coast, and the latter more remote in the Bay of Fundy. Sir, I will persuade myself that the honorable Speaker meant to do justice to the patriotism of Massachusetts—that never has been found wanting in the hour of peril and difficulty; nay, sir,

it was never impeached, and I trust in God it never will be, while the blood of our ancestors, who have nobly fought the battles of our country, circulates in the veins of their posterity. But was this expectation rational? Would any patriotism, under the same disadvantages, have achieved these conquests? It was the memorable Summer of 1814—a period of distress and alarm—which saw the Capitol of our country, and the very tomb of WASHINGTON, in the possession of the enemy—numerous fleets of that enemy, full of sailors and marines, were blockading our ports, landing and harassing our people, and destroying their property. Maine, with a seacoast of nearly three hundred miles, was peculiarly exposed to the incursions and wandering parties of the enemy. Yes, sir, that extended coast was accessible at almost every point to the enemy. I remember well, sir, the attempts of that enemy with the district which I have the honor to represent; and remember well the ardor and patriotism of the brave militia manifested on these occasions. There was no distinction of party then, sir; the contest was, who should meet the enemy soonest and repel him from our soil. What protection was afforded us, in this hour of peril and alarm, by the General Government? Was her arm raised in our defence? Were her resources employed in our favor? Far, far from it! Nay, she mocked when our danger approached. She withdrew her soldiers; yes, the very soldiers which were recruited in the bosom of the parent, were, in an hour of peril, withdrawn from her support. For what? to perish—miserably to perish, in the swamps of Canada. Yes, sir, many of the bravest sons of New England, driven by a necessity of your creating into your ranks, have fallen by the sword, disease, and famine—the bones of thousands are now bleaching on the barren heights, or mouldering in the swamps of Canada—their fate less perhaps to be pitied than the weeping monuments of their departure—their miserable parents, orphans, and widows. Bow thy Heavens, O God! and come down with divine consolation to their souls. Under these circumstances, Castine and Moose Island were taken possession of by the enemy. Castine that could not be defended with a less force than 5,000 men, and Moose Island, which lies at the mercy of the mistress of the ocean. Under these circumstances, I repeat, was it to have been expected that the militia, in one part of the country, would leave that open to the attacks of the enemy, forsake their property, their families, their household gods, and cross rivers, and march through deserts, to repel this enemy? Sir, it would not have been accomplished; it ought not to have been expected, except from the general arm. But the honorable Speaker thinks they have provided in the Treaty of Peace sufficiently for these islands: they have submitted to two Commissioners whether Moose Island, whether Eastport, one of our own towns, belong to us or not; and if these Commissioners do not agree, they are to draw up a state of the case, which the two Governments may further

submit, if they please, to some friendly nation. No, sir, I consider Moose Island given up, abandoned forever; this submission is a mere cloak to hide the gross nature of the bargain. Sir, it is surrendered in part consideration of the free, exclusive navigation of the Mississippi, and our shore fisheries are thrown into the bargain. Yes, sir, the interest of the East has been sacrificed to that of the West. Why did we not hear any thing of these fisheries in the negotiations at Ghent and London? The honorable Speaker informs us, that a majority of his colleagues, against his opinion, were in favor of continuing to the British a limited navigation of the Mississippi, as an equivalent for the fisheries, and for these islands, too, I suppose, for I have no doubt Great Britain would have yielded both these objects for that right—any thing said by the Commissioners at Ghent to the contrary notwithstanding. But the honorable gentleman has alleged, as a reason why the fisheries did not receive more attention, that gentlemen differed as to their value; some alleging the value of the shore fishery as equal to one-third of the whole fishery, bank and shore; while others deemed it worth little or nothing. Sir, we have an evidence in the treaty, that those unacquainted with them did value them at nothing; while those who did enjoy the privilege, considered them of the greatest importance, full one-third in value of the whole fishery. The citizens of Maine were in a peculiar manner, from its proximity to them, interested in this branch of the fisheries; it was almost their daily bread to them, because it afforded them the means of providing this daily bread.

WEDNESDAY, January 31.

The Revenue—Direct Tax.

The House again resolved itself into a Committee of the Whole, on the report of the Committee of Ways and Means, on the subject of revenue.

Mr. REYNOLDS, of Tennessee, addressed the Chair as follows:

Mr. Chairman, on my motion last evening the committee were kind enough to rise, for which I tender them my thanks. I fear, sir, they will be ill rewarded at best, but more particularly now, when indisposed. It becomes, however, my imperious duty to address you on this occasion, because my honorable colleagues and myself differ as to the vote I am about to give on the resolution now under consideration. I regret the circumstance, because they are men with whom I delight to co-operate; many of them I have been long acquainted with, and in the late contest for our sacred rights, some of them not only paid the taxes imposed with cheerfulness, but rushed to the field of battle and participated in the glory of their countrymen; I hope, however, it is an honest difference of opinion.

I am in favor, sir, generally of the reduced

system of taxation as proposed by the Committee of Finance, and the direct tax, so modified, to be continued for one year. Every one admits the necessity of a revenue to be raised by some mode of taxation. And it would be well for gentlemen now to reflect for a moment how far they have already gone on the ground of this necessity. A few days ago, sir, a very large majority of the House agreed to continue the double duties, and also to continue the salt tax. Now, sir, none of these taxes affect me at all; I do not pay one cent towards the war debt, or for the restoration of the public faith and credit of this nation, unless I dip pretty deeply with the merchant. Shall it be said, sir, that I would evade the payment of the just proportion of the debt incurred by the war; for there was not a man, woman, or child, in my district, who were not in favor of that measure? Yes, sir, we were advocates of the war, and no people on the Continent of America contributed more largely in support of it, according to their numbers and wealth, than they did. They fought the battles of their country, and paid an enormous and oppressive tax without a murmur.

Now, sir, what is the sum we have to provide for; the old and new debt amounts to nearly one hundred and twenty millions of dollars. From the Treasury report it appears that there will be demands on that Department for the sum of \$42,884,269, comprehending the gross amount of the arrearages of the War Department, and for the whole of the floating debt for the year 1816. To meet this, the revenue that will probably accrue for that year, taking into view the reduction of the direct tax, and the abolition of some other duties, will amount to \$39,400,000, leaving a deficit of more than three and a half millions of dollars. Thus, sir, stands the account. Notwithstanding this, it is right to abolish some of the taxes imposed by the last Congress, that were not only unproductive, but too oppressive on industry; but what was still more alarming, a tax on *knowledge*.

But, sir, there is another strong reason why we should continue the direct tax for one year at least. We do not, we cannot see now the full extent of the debts against the Government. Nearly two millions are to be paid in Tennessee to the brave militia and volunteers of that State. There is a still larger sum in Kentucky, and there are considerable demands from every State in the Union. Now, an appropriation of ten millions of dollars has been made; but can any one tell the sum that will be required to meet the provisions of those bills on your table, I trust will pass this session? One of them has already passed, providing for the pay of lost property during the late war, the sum entirely unknown. The bill establishing an additional military academy, and the bill for the relief of invalids and Revolutionary soldiers, if they pass, will require an additional sum, which at present is also unknown.

Mr. CALHOUN commenced his remarks by ob-

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serving, that there were in the affairs of nations, not less than that of individuals, movements, on the proper use of which depended their fame, prosperity, and duration. Such he conceived to be the present situation of this nation. Recently emerged from a war, we find ourselves in possession of a physical and moral power of great magnitude; and, impressed by the misfortunes which have resulted from the want of forecast heretofore, we are disposed to apply our means to the purposes most valuable to the country. He hoped that, in this interesting situation, we should be guided by the dictates of truth and wisdom only; that we should prefer the lasting happiness of our country to its present ease—its security to its pleasure—fair honor and reputation to inglorious and inactive repose.

We are now called on to determine what amount of revenue is necessary for this country in time of peace. This involves the additional question: What are the means which the true interests of this country demand? The principal expense of our Government grows out of measures necessary for its defence; and, in order to decide what those measures ought to be, it will be proper to inquire what ought to be our policy towards other nations, and what will probably be theirs towards us? He intentionally laid out of consideration the financial questions which some gentlemen had examined in the debate; and also the question of retrenchments, on which he would only remark that he hoped, whatever of economy entered into the measures of Congress, they would be divested of the character of parsimony.

Let us now, said Mr. C., consider the measures of preparation which sound policy dictates. First, then, as to extent, without reference to the kind: They ought to be graduated by a reference to the character and capacity of both countries. England excels in means all countries that now exist, or ever did exist; and has, besides, great moral resources—intelligent and renowned for masculine virtues. On our part, our measures ought to correspond with that lofty policy which becomes freemen determined to defend our rights. Thus circumstanced on both sides, we ought to omit no preparation fairly in our means. Next, as to the species of preparation which opens subjects of great extent and importance. The navy most certainly, in any point of view, occupies the first place. It is the most safe, most effectual, and the cheapest mode of defence. For, let the fact be remembered, our navy costs less per man, including all the amount of extraordinary expenditures on the lakes, than our army. This is an important fact, which ought to be fixed in the memory of the House; for, if that force be the most efficient and safe, which is at the same time the cheapest, on that should be our principal reliance. We have heard much of the danger of standing armies to our liberties—the objection cannot be made to the navy. Generals, it must be acknowledged, have often ad-

vanced at the head of armies to imperial rank and power; but in what instance had an Admiral usurped on the liberties of his country? Put our strength in the navy for foreign defence, and we shall certainly escape the whole catalogue of possible ills, painted by gentlemen on the other side. A naval power attacks that country, from whose hostility alone we have any thing to dread, where she is most assailable, and defends this country where it is weakest. Where is Great Britain most vulnerable? In what point is she most accessible to attack? In her commerce—in her navigation! There she is not only exposed, but the blow is fatal. There is her strength; there is the secret of her power. Here, then, if ever it become necessary, you ought to strike! But where are you most exposed? On the Atlantic line—a line so long and so weak that you are peculiarly liable to be assailed in it. How is it to be defended? By a navy, and by a navy alone can it be efficiently defended.

In regard to our present military establishment, Mr. C. said, it was small enough. That point the honorable Speaker had fully demonstrated; it was not sufficiently large at present to occupy all our fortresses. Gentlemen had spoken in favor of the militia and against the army. In regard to the militia, said Mr. C., I would go as far as any gentleman, and considerably farther than those would who are so violently opposed to our small army. I would not only arm the militia, but I would extend their term of service, and make them efficient. To talk about the efficiency of militia called into service for six months only, is to impose on the people; it is to ruin them with false hopes. I know the danger of large standing armies, said Mr. C. I know the militia are the true force; that no nation can be safe at home and abroad which has not an efficient militia; but the time of service ought to be enlarged, to enable them to acquire a knowledge of the duties of the camp, to let the habits of civil life be broken. For though militia, freshly drawn from their homes, may, in a moment of enthusiasm, do great service, as at New Orleans; in general they are not calculated for service in the field, until time is allowed for them to acquire habits of discipline and subordination. Your defence ought to depend, on the land, on a regular draft from the body of the people. It is thus in time of war the business of recruiting will be dispensed with—a mode of defending the country every way uncongenial with our republican institutions—uncertain, slow in its operation, and expensive, it draws from society its worse materials, introducing into our army, of necessity, all the severities which are exercised in that of the most despotic government. Thus compounded, our army, in a great degree, lose that enthusiasm which citizen soldiers, conscious of liberty, and fighting in defence of their country, have ever been animated. All free nations of antiquity intrusted the defence of the country, not to the dregs of society, but to the body of

citizens; hence that heroism which modern times may admire but cannot equal. I know that I utter truths unpleasant to those who wish to enjoy liberty without making the efforts necessary to secure it. Her favor is never won by the cowardly, the vicious, or indolent. It has been said by some physicians that life is a forced state; the same may be said of freedom. It requires efforts; it presupposes mental and moral qualities of a high order to be generally diffused in the society where it exists. It mainly stands on the faithful discharge of two great duties which every citizen of proper age owes the Republic; a wise and virtuous exercise of the right of suffrage, and a prompt and brave defence of the country in the hour of danger. The first symptom of decay has ever appeared in the backward and negligent discharge of the latter duty. Those who are acquainted with the historians and orators of antiquity know the truth of this assertion. The least decay of patriotism, the least verging towards pleasure and luxury, will there immediately discover itself. Large standing and mercenary armies then become necessary; and those who are not willing to render the military service essential to the defence of their rights, soon find, as they ought to do, a master.

Mr. C. then proceeded to a point of less, but yet of great importance—he meant the establishment of roads and opening canals in various parts of the country. Your country, said he, has certain points of feebleness and certain points of strength about it. Your feebleness should be removed, your strength improved. Your population is widely dispersed; though this is greatly advantageous in one respect, that of preventing the country from being permanently conquered, it imposes a great difficulty in defending your territory from invasion, because of the difficulty of transportation from one point to another of your widely extended frontier. We ought to contribute as much as possible to the formation of good military roads, not only on the score of general political economy, but to enable us on emergencies to collect the whole mass of our military means on the point menaced. The people are brave, great, and spirited; but they must be brought together in sufficient number and with a certain promptitude to enable them to act with effect. The importance of military roads was well known to the Romans; the remains of their roads exist to this day; some of them uninjured by the ravages of time. Let us make great, permanent roads, not like the Romans, with views of subjecting and ruling provinces, but for the more honorable purposes of defence, and connecting more closely the interests of various sections of this great country. Let any one look at the vast cost of transportation during the war—much of which is chargeable to the want of good roads and canals—and he will not deny the vast importance of a due attention to this subject.

Mr. C. proceeded to another topic, the en-

couragement proper to be afforded to the industry of the country. In regard to the question how far manufactures ought to be fostered, Mr. C. said it was the duty of this country, as a means of defence, to encourage the domestic industry of the country; more especially that part of it which provides the necessary materials for clothing and defence. Let us look at the nature of the war most likely to occur. England is in possession of the ocean. No man, however sanguine, can believe that we can deprive her soon of her predominance there. That control deprives us of the means of maintaining our army and navy cheaply clad. The question relating to manufactures must not depend on the abstract principle that industry, left to pursue its own course, will find in its own interest all the encouragement that is necessary. I lay the claims of the manufacturers entirely out of view, said Mr. C., but on general principles, without regard to their interest, a certain encouragement should be extended, at least, to our woollen and cotton manufactures.

There was another point of preparation which Mr. C. said, ought not to be overlooked—the defence of our coast by means other than the navy, on which we ought to rely mainly, but not entirely. The coast is our weak part, which ought to be rendered strong, if it be in our power to make it so. There are two points on our coast particularly weak, the mouths of the Mississippi, and the Chesapeake Bay, which ought to be cautiously attended to; not, however, neglecting others. The Administration which leaves these two points, in another war, without fortification, ought to receive the execration of the country. Look at the facility afforded by the Chesapeake Bay to maritime powers, in attacking us. If we estimate with it the margin of rivers navigable for vessels of war, it adds fourteen hundred miles, at least, to the line of our seacoast; and that of the worst character, for, when an enemy is there, it is without the fear of being driven from it. He has, besides, the power of assaulting two shores at the same time, and must be expected on both. Under such circumstances, no degree of expense would be too great for its defence. The whole margin of the bay is, besides, an extremely sickly one, and fatal to the militia of the upper country. How it is to be defended, military and naval men will best judge, but I believe that steam frigates ought at least to constitute a part of the means; the expense of which, however great, the people ought and would cheerfully bear.

I have faithfully, in the discharge of the sacred trust reposed in me by those for whom I act, pointed out those measures which our situation and relation to the rest of the world render necessary for our security and lasting prosperity. They involve no doubt much expense; they require considerable sacrifices on the part of the people; but are they on that account to be rejected? We are called on to choose; on

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the one side is great ease it is true, but on the other the security of the country. We may dispense with the taxes; we may neglect every measure of precaution, and feel no immediate disaster; but in such a state of things what virtuous, what wise citizen, but what must look on the future with dread? I know of no situation so responsible, if properly considered, as ours. We are charged by Providence not only with the happiness of this great and rising people, but in a considerable degree with that of the human race. We have a Government of a new order, perfectly distinct from all which has ever preceded it. A Government founded on the rights of man, resting not on authority, not on prejudice, not on superstition, but reason. If we succeed, as fondly hoped by its founders, it will be the commencement of a new era in human affairs. All civilized Governments must in the course of time conform to these principles. Thus circumstanced, can you hesitate what course to choose? The road that wisdom points, leads it is true up the steep, but leads also to security and lasting glory. No nation, that wants the fortitude to tread it, ought ever to aspire to greatness. Such ought and will certainly sink into the list of those that have done nothing to be known or remembered. It is immutable; it is in the nature of things. The love of present ease and pleasure, indifference about the future, that fatal weakness of human nature, has never failed in individuals or nations to sink to disgrace and ruin. On the contrary, virtue and wisdom, which regard the future, which spurn the temptations of the moment, however rugged their path, end in happiness. Such are the universal sentiments of all wise writers, from the didactics of the philosophers to the fictions of the poets. They agree that pleasure is a flowery path leading off among groves and meadows, but ending in a gloomy and dreary wilderness; that it is the siren's voice, which he who listens to is ruined; that it is the cup of Circe, which he who drinks, is converted into a swine. This is the language of fiction, reason teaches the same. It is my wish to elevate the national sentiment to that which every just and virtuous mind possesses. No effort is needed here to impel us the opposite way; that also may be too safely trusted to the frailties of our nature. This nation is in a situation similar to that which one of the most beautiful writers of antiquity paints Hercules in his youth: He represents the hero as retiring into the wilderness to deliberate on the course of life which he ought to choose. Two goddesses approached him; one recommending to him a life of ease and pleasure; the other of labor and virtue. The hero adopted the counsel of the latter, and his fame and glory are known to the world. May this nation, the youthful Hercules, possessing his form and muscles, be inspired with similar sentiments and follow his example!

[Mr. RANDOLPH had spoken before in this debate, but the length of his first speech, which continued

three days, and which it would take more than a week to write off from the reporter's brief notes, prevents its publication. The remarks which follow were in reply to Mr. CALHOUN.]

Mr. RANDOLPH said, as the gentleman from South Carolina (Mr. CALHOUN) had done him the honor to pay some attention to his previous remarks, he would show his respect for him by explaining in this way, after he had taken his seat, rather than in interrupting him whilst he was on the floor. The gentleman had, by his speech, much as (Mr. R. said) he had before respected his talents and principles, contributed in no small degree to increase the respect he entertained for his abilities, and integrity, and for the principles by which he was governed. I subscribe, continued Mr. R., in the abstract to his principles. I was not bred in the grovelling school he reproaches; I know the value of the moral power as well as the gentleman from South Carolina—and if I had been permitted by the state of my health, when on a former occasion I had exhausted my powers by an effort greater than I had supposed them capable of—if I had been permitted to continue my rambling discourse, the gentleman would have seen that I have the same contempt for grovelling, for all that is mean, popular, and eleemosynary, that any gentleman could have in this or any other assembly. I never have flattered the people, and so help me God, I never will. I must say, in the abstract, I was pleased with the gentleman's speech, said Mr. R.,—but, I have long believed there was a tendency in the administration of this Government, in the system itself indeed, to consolidation, and the remarks made by the honorable gentleman from South Carolina have not tended to allay any fears I have entertained from that quarter. Make this a simple integral Government, said Mr. R., and I subscribe to the doctrines of the honorable gentleman; because they are drawn from the same fountain from which I have drawn my own principles. Mr. R. said he was glad to see that the gentleman had not raked in the kennels (he would say) of democracy, for the principles of which he had formed his political creed. But, Mr. R. said, ours is not an integral Government, but a Government of States confederated together. He put it to the committee, to the gentleman himself, whether the honorable gentleman's principles (which he had demonstrated with an ability honorable to the State he represented, to the House, and to himself) did not go to the destruction of the State governments. It was not, Mr. R. said, from the preference of present good to a little self-denial, that he opposed the system of the gentleman and his political friends. I say, Mr. R. repeated, that these doctrines go to prostrate the State governments at the feet of the General Government. If the warning voice of Patrick Henry had not apprised me long ago, the events of this day would have taught me that this constitution does not comprise one people, but that there are two distinct characters in the people of this nation.

Mr. R. said he had not been led heretofore to question whether the fact was so; he now believed it as much as any article of his political creed. When speaking of the value of our form of Government, the gentleman might have added to his remarks, Mr. R. said, that whilst in its federative character it was good, as a consolidated Government it would be hateful; that there were features in the Constitution of the United States, beautiful in themselves when looked at with reference to the federative character of the constitution, which were deformed and monstrous when looked at with reference to consolidation. The gentleman was too deeply read in Aristotle, too well versed in political lore, to deny the fact. Mr. R. said he must be permitted, he trusted in so doing he should not trespass on the patience of the committee, to notice some of the prominent positions of the gentleman.

The gentleman had set out with observing that the policy of this country ought to correspond with the character of our Government; that that character was distinguished by justice and reason, and that, as we are disposed to do justice to all nations with whom we have any relation whatever, we ought to be in a situation to exact it. Granted, said Mr. R. The gentleman also stated that, as moderation and forbearance had a tendency to degenerate into tameness and imbecility, so, too, a domineering spirit might end in a military despotism, and inferred that we were in more danger from an abyss of forbearance than from any disposition to climb the precipice of ambition. There, said Mr. R., I differ from the honorable gentleman. He must give me leave to say that there is in every Government, the form of which is free, a tendency to exactly the reverse; a tendency to domination—to ambition, not of dominion at home, but among its neighbors. Mr. R. said he would not detain the committee with illustrations of this position. In popular Governments, he said, the popular passion was for glory, show, sensation, excitement. This it was that made Pericles, who ought to have been the benefactor of his country, the malefactor of Athens. I, too, said Mr. R., like the gentleman, entertain a respect for the country from which both of us drew our blood; and, when I speak of the enormities committed by the British forces disgraceful to the country, enormities, the effects of which will never be got over, I speak of her troops and her Ministry. I cannot come to this House—I cannot go to the hustings, and pick up a little personal popularity at the expense of truth—of that respect which I, which every man descended from her loins must bear for their great progenitors. We are to have frequent and bloody wars with England!—I believe it, said Mr. R.,—I believe we are to have frequent and bloody wars with England, and that we must take means to guard against the danger. Sir, it was not one of the least objections I had to the late war—and I hope the gentleman will do me the justice to believe that I

am not disposed to rip up old wounds and make them bleed afresh—that it would lay the foundation of wars *in perpetuum*, between us and that country. The die is cast. The course is given to the ship, and she must hold it on; it is not for me, for you, sir, for a million of men to change it. The destiny is fixed. The die is set—a hue is given to public opinion on this side the Atlantic, confirmed, indelible; and a similar sentiment of hostility exists on the other side. Mr. R. said he had in past days always expressed; because he had always felt, astonishment at the prevalence of a spirit of hostility between two nations who had so few points of actual collision; but, he said, there was a wide difference between the state of things before and after a magazine explodes. The explosion had now taken place; and a state of things existed between this country and England, which puts it in the power of every demagogue who should wriggle himself into the Presidency, or into a seat on this floor, to light the torch of war between us and England. He knew it was impossible to avoid it. If means were to be taken to defend the Chesapeake, to defend New Orleans, to defend the whole coast of the United States, by means commensurate with the national ability, Mr. R. said he would never go whining to his constituents, and tell them that they were not able to pay the taxes. They are able to pay taxes, said he. On whom do your impost duties bear? Upon whom bears the duty on coarse woollens, and linens, and blankets, upon salt and all the necessities of life? On poor men and on slaveholders. When the time arrived, however, Mr. R. believed he could demonstrate that these taxes were unnecessary, even as regarded the gentleman's own plan of defence. Mr. R. was for yielding to the States these direct taxes, stamp duties, &c., when they are to be laid at all. They must be left to the States, or this consequence must follow, and it was because of that consequence that he dissented wholly from this system. The people would say, What! pay to the General Government a land tax yearly, stamp taxes, taxes on this, that, and the other, and pay taxes on the same articles, too, to the State Governments? Yes, would be answered;—and, speaking of the State to which he belonged, it might be added, that they had managed their finances as badly as those of the United States had been managed—they had gone on increasing their expenditures without as good a reason as the gentleman had assigned in regard to the expenses of this Government. The people will say, remarked Mr. R., as Patrick Henry told you they would sooner or later say, we cannot serve two masters—we cannot worship God and Mammon—we cannot have two Governments grinding us, when one would answer, &c. This was the point to which the argument of the gentleman from South Carolina necessarily led.

A standing army, it seemed to be admitted, was not what we wanted, but a naval force. Of what value, for instance, would be even a

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large military force, for the defence of the country on the shores of the Chesapeake alone, cut up as it was into a hundred (he was going to say a thousand) peninsulas—containing not, as the gentleman calculated, one thousand four hundred miles of seacoast, and that, as he had said, of the worst for us and the best for an enemy in the world, but comprising more seacoast than the whole sea-line of the United States. Mr. R. said he had taken the trouble, on a late occasion, to make a calculation of the length of that coast for Virginia alone, in the presence of a gentleman from Massachusetts, who was of opinion that that State had a greater seacoast than Virginia; it appeared, on examination, that the seacoast of Virginia considerably more than doubled that of Massachusetts. He said, therefore, cut up as the country of the Chesapeake is, with bold and deep rivers, what figure would ten thousand men make in defending it, the enemy being in possession of the water? And if we had the command of the Chesapeake, what should we want with the men on shore? If we could beat our enemy out of that great sea—for it is a Mediterranean sea—we do not want the army *quoad* the Chesapeake.

Mr. R. said he understood the honorable gentleman to say that he would go into a great and immediate increase of our naval means, not by building ships out of green timber, but by providing every thing necessary for a great marine. Will the honorable gentleman from South Carolina permit me, said Mr. R., to tell him—I do it with the most perfect respect—that with whatsoever sentiments he may go into this business, it becomes in the end nothing better than a great job? He may vote the money as a patriot, if he follows that vote through all the different ramifications of its execution, he will find it in sinecure pockets, or given for rotten timber; he will find it by the right hand received from the Treasury by the navy agent of the Government, and he will find it paid with the left hand into the pocket of the same agent—that virtuous man will not let his left hand know what his right hand doeth. The honorable gentleman would indeed effect a great object if he would establish a system of retrenchment and reform in the different departments. When I speak of them, said Mr. R., I do not allude to the particular men now in power—I fly at no such ignoble quarry—I allude to the habits of this Government. A man, inferior in point of ability to none in this country, said to me on a late occasion—a man too who rarely says that which he is not prepared to execute and do—that, let the money supposed to be in the possession of the different departments of the Government be actually there, he would take two millions of dollars from the Treasury, a proportion of it from every fund, and would defy the Heads of the departments to know, not who took the money, but whether any was gone. This is the present state of accountabil-

ity, said Mr. R., and if the honorable gentleman from South Carolina, or his political friends, will give us a system of rigorous accountability, and prevent that system of plunder which has been going on for some time—as to the plunderers of the public, Mr. R. said, he met them on the avenue as familiarly as the lords in England are said to meet the blacklegs at the gaming table—he saw them rising from nothing by the stilts of fat contracts into sumptuous palaces;—if the gentleman from South Carolina would devise a rigorous system of accountability, it would give Mr. R. much better heart to vote with him. But he could not yield to the gentleman from South Carolina his views on the first principles of political wisdom, which he had imbibed at home at a time when that gentleman had scarcely ever turned his mind to politics at all—he meant those which respected the sovereignty of the States. If the gentleman took that key in his hand, Mr. R. said, he would unlock his political conduct. It was his policy, Mr. R. said, to stick to the States in contests arising between them and the General Government—to the people in all collisions between them and the Government, and between the popular branches and unpopular branch of the Government—he was wrong, however, he said, to call it unpopular; for, unfortunately, its popularity was that which gave to it an irresistible weight in this House and in this nation.

Sir, said Mr. R., the gentleman has met this question manfully. Shall I be pardoned if I say that the honorable gentleman handled the question in a way very different from that in which it was handled by the gentleman who preceded him? There is no more a popular than a royal road to mathematics. As the gentleman from South Carolina has presented the question to the House, they and the nation cannot have the slightest difficulty in deciding whether they will give up the States or not; whether they will in fact make this an elective monarchy. The question is, whether or not we are willing to become one great consolidated nation, under one form of law; whether the State governments are to be swept away; or whether we have still respect enough for those old respectable institutions to regard their integrity and preservation as a part of our policy? I, for one, said Mr. R., cling to them, because in clinging to them, I cling to my country; because I love my country as I do my immediate connections; for the love of country is nothing more than the love of every man for his wife, child, or friend. I am not for a policy which must end in the destruction, and speedy destruction, too, of the whole of the State governments.

The gentleman had represented this country as contending with Great Britain for existence. Could the honorable gentleman, or any other man, Mr. R. asked, believe that we would ever have a contest with any nation for existence? No, said Mr. R., we hold our existence by char-

ter from the great God who made this world; we hold it in contempt of Great Britain—I speak of our existence as a people politically free—I do not speak of civil freedom—I am addressing myself to one who understands these distinctions. We do not hold our right to physical being or political freedom by any tenure from Europe or any power of Europe; yet we hold our tenure of civil liberty by a precarious tie, which must be broken; for, from the disposition to follow the phantom of honor, or from another cause, this country is fairly embarked in a course of policy like that which is pursued by other governments in Europe. Finding weakness coming on him, Mr. R. said, though he had much to say, he would endeavor to gasp out another sentiment, and be done. It was this:

The gentleman from South Carolina had pointed to the consequences of a war with England, which grew out of a war with England alone, exposing the coast of our own country, and even our firesides to destruction, threatening the ruin of our whole system of finance, the stagnation of commerce, the banishment of specie, and the complete bankruptcy of the country. Ought not these considerations, Mr. R. asked, to weigh, and to deeply weigh, on the minds of this House, and ought they not to have done before the war with that power, the issue of which, according to the arguments of gentlemen themselves, only went to prove that we have the capacity to defend ourselves; that we could, to use a term which ought never to have been used on this floor, be kicked into a war. The view which the honorable gentleman took of this subject, said Mr. R., was single and complete. He would have roads, he said, but for military purposes; he would encourage manufactures, too, not for the reason—and I was very glad to hear it, for it is a reason which, in my opinion, would not weigh with any man of sense—not for the reason of the petitions of the manufacturers, but with a view to their military consequence! The honorable gentleman will do nothing but with a view to military effect. Are we, sir, to become a great naval power, because, forsooth, an admiral was never saluted as an emperor? I too, sir, am an advocate for roads and canals; I too, would like to see roads through the country, which might facilitate the march of armies; but I see in this very feature of the gentleman's system the same danger to the State confederacies as I see, sir, in the whole speech of the honorable gentleman.

SATURDAY, February 3.

Indian Depredations.

Mr. LATTIMORE, from the committee to whom were referred the memorial of the Legislature of the Mississippi Territory, and the petitions of sundry inhabitants of said Territory, relating to Indian depredations, made a report; which was read, and committed to a Committee of the Whole on Wednesday next.—The report is as follows:

The petitioners state that the inhabitants of the eastern section of the Mississippi Territory sustained, during the late war, very great losses of property, which was stolen or destroyed by the hostile Creek Indians, and in some instances, taken from them by the troops in the service of the United States; and pray that reparation may be made to the sufferers out of the lands obtained from that nation of Indians by the Treaty of Peace.

Amongst the documents relating to this subject are statements (which are sworn to) of the losses sustained by one hundred and thirteen persons, which are estimated, in the whole, at \$127,905. As these injuries were inflicted by the enemy, who have made, by a cession of territory, what the petitioners conceive to be ample compensation for all losses sustained as well as expenses incurred by their hostility, they seem to think that the sufferers in question are entitled to peculiar relief.

Your committee have examined the ground of this claim, but they find nothing to support it, either in the treaty with the Creeks or any other authentic document which they have been able to procure. If, therefore, relief shall be granted to these sufferers, it must, in the opinion of your committee, be done upon a general principle, which would be applicable to the cases of all who have suffered from similar causes in other parts of the United States. In giving this opinion, your committee have no disposition to impair the impression produced by the afflicting scenes through which the eastern inhabitants of the Mississippi Territory have passed, or to diminish whatever claim they may have to the humanity of the Government, in consideration of their present distress. But, whatever may be the merits of their claim on this score, your committee cannot perceive the propriety of any provision for their relief which shall not extend similar relief in all similar cases, and therefore submit the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

The Revenue.

The House then resolved itself into a Committee of the Whole on the report of the Committee of Ways and Means, respecting the revenue; and after a short time spent therein, the committee rose.

The House took up the report of the Committee of the Whole, on the proposition to reduce the annual direct tax to three millions. The amendment—agreed to on the suggestion of Mr. CLAY, in Committee of the Whole—to limit the tax to one year, so as to bring the question annually before the House, was concurred in by yeas and nays—for the amendment 109, against it 46.

TUESDAY, February 6.

The Revenue.

The House resumed the consideration of the proposition of the Committee of Ways and Means to continue the direct tax of three millions another year.

Mr. PROCKERS's motion to reconsider the vote on the question of repealing said tax being under consideration—

Messrs. LOWNDES, HANSON, and SERGEANT, spoke at length against this motion, and Messrs.

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STEARNS, ATHERTON, RANDOLPH, and PICKENS, in favor of it; the debate turning on the merits of the proposed direct tax, on general principles, at the present juncture of our affairs.

The question on the motion to reconsider, essentially the question to repeal the tax altogether, was decided by yeas and nays—for the reconsideration 67, against it 86.

The resolution to continue the direct tax of three millions for one year was then agreed to, and referred to the Financial Committee to bring in a bill accordingly.

WEDNESDAY, February 7.

Two other members, to wit: from New Hampshire, DANIEL WEBSTER, and from North Carolina, WELDON N. EDWARDS, (elected in the place of Nathaniel Macon, resigned,) appeared, produced their credentials, were qualified, and took their seats.

THURSDAY, February 8.

*Watches and Furniture Tax.**

The next resolution was then taken up, as follows, viz:

Resolved, That it is expedient to repeal the act, entitled "An act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying duties on household furniture, and on gold and silver watches," passed on the 18th of January, 1815.

Mr. JACKSON, of Virginia, Mr. SOUTHWARD, and Mr. ROSS, opposed the agreement to this resolution, on the ground of the equity of the tax, and the practicability of amending it so as to defeat the evasion of it, and to make it more productive.

Mr. LOWNDES defended the resolve, on the ground of the unproductiveness of the tax, having been calculated to produce \$1,200,000, and producing in fact, only \$70,000; though willing to listen and accede to any definite proposition for rendering it efficient and productive.

Mr. FORSYTH moved to amend the resolve, by adding at the end thereof the words, "except so far as relates to the duty on gold and silver watches." This motion was negatived.

Mr. JACKSON, of Virginia, then moved to amend the resolve, so as to embrace the continuance of the duty on household furniture, &c., "and also to provide against the evasion of said law." This motion was negatived—68 to 63.

The resolve of the Committee of Ways and Means was then agreed to by the committee—aye 68.

And on motion, the House adjourned until to-morrow.

* Nothing could better show the futility of a tax which is disliked in itself, inquisitorial in its nature, and easily evaded, as the difference between the estimate and the product of this tax upon watches and furniture.

FRIDAY, February 9.

Inquiry Respecting Office, &c.

Mr. RANDOLPH rose to make the motion of which he gave notice the day before yesterday, to inquire into the constitutionality of the late appointment of General P. B. Porter, not having got to the House in time to make it yesterday. It was not his purpose, he said, to amplify on this occasion at all. The House would recollect, that at the time he had submitted notice of this motion he had distinctly stated, that it was not for him to pronounce whether the office in question had or had not been created during the time for which the late honorable member of this House from New York had been elected to serve. Some very obliging friend had been kind enough to hint to him that perhaps he had not pondered on the subject so well as he ought to have done before he introduced it to the House; that this office, under the authority of the United States, being created by the Treaty, was called into existence, although it remained vacant until lately, at the moment when the exchange of the ratifications of that treaty took place. This might or might not be, Mr. R. said; for, what was this argument but to assume (he would not say to beg) the very question concerning the treaty-making power which this House had already once decided in the negative, viz., that a treaty, without the intervention, instrumentality, without the aid of this House, is *ipso facto* the law of the land. Mr. R. said he should be extremely ashamed ever to venture so crude a motion in this House as this would have been, if he had not taken into consideration, and deep and mature consideration too, the point which some were obliging enough to suppose he had overlooked, and civil enough to put him right in respect to it. If he understood the doctrines which he had heard, he did not say uttered, on this floor, in respect to the treaty-making power, this case of the honorable member from New York, who had recently vacated his seat in this House, came fully within the purview of the article in the Constitution of the United States; and he would go further, as special pleading was the order of the day, and say that if it did not come within its purview in this view of the subject, it nevertheless would in another. It did not follow, it was not logic, he said—it might be logic in Westminster Hall, but it was not in Parliament—that because the appointment in question did not come within the purview of this section for particular reasons, it might not for some other very substantial reason, which was not disclosed, but about which he had no concealment, as he had not, never had, and never would have, about public men or measures. After reading the following clause from the sixth section of the first article of the constitution, viz: "No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have

been created, or the emoluments whereof shall have been increased during such time"—Mr. R. moved

"That a committee be appointed to inquire whether the acceptance, by the Hon. Peter B. Porter, late a member of this House from the State of New York, of a civil office under the authority of the United States, does contravene the provisions of the sixth section of the first article of the Constitution of the United States."

Mr. FORSYTH suggested that the terms of this motion did not embrace the question which he understood the gentleman to desire to place before the House—the acceptance of a civil office not being an offence against any provision of the Constitution of the United States. He should be pleased to see it modified so as to place the question distinctly before the House.

Mr. RANDOLPH said he had no objection to any modification which would attain his object. He bottomed himself, in proposing this inquiry, on facts which are on record, and which the House was presumed to know. Had not the gentleman vacated his seat in this House? Was he amenable to the order of the Speaker as a member of this House? How did his seat become vacated? By his acceptance of a civil office under the authority of the United States, which the gentleman from Georgia had said was no offence against the constitution? No, said Mr. R., it is neither an offence against the constitution, nor *contra bonos mores*, that I know; but there is a modification of the proposition which may make it contrary to the constitution—the committee are to try that question. Is there not an issue made up? The honorable gentleman has accepted an office; it is our duty to inquire whether the acceptance of it be constitutional or not, because, if unconstitutional, then it is the duty of this House to see that the breach is repaired, that the wrong is redressed. Mr. R. said he was not acquainted with the styles and titles of the gentleman in question; he had had a great many; with the old one he was acquainted, with the new one he was not. Mr. R. said he had no more doubt that this appointment was a breach of the constitution than the acceptance of another office by a late member of this House, the office having been created and the salary fixed a few days before his term of service expired, was an evasion, and a scandalous evasion, of the provision of the constitution which he had just quoted.

Mr. FORSYTH having suggested a modification of the motion, declaring at the same time that he should not vote for the inquiry, Mr. RANDOLPH accepted it, so as to read as follows:

"Resolved, That a committee be appointed to inquire whether the acceptance, by the Hon. Peter B. Porter, of the office of Commissioner under the late Treaty of Ghent, is in contravention of the sixth section of the first article in the Constitution of the United States."

On suggestion of Mr. WRIGHT, the words "appointment and" were inserted before the word "acceptance."

The question having been stated on the adoption of the resolve—

Mr. FORSYTH rose and said, it was with much reluctance he opposed any motion, the object of which was inquiry into alleged abuses under Government. But the appointment of a committee on this occasion, appeared to him so totally unnecessary, that he was compelled to oppose it. If he had understood the gentleman from Virginia, his idea was, that the office had been created during the time for which the gentleman in question had been elected to serve in this House. But the person named in the resolve had been elected to serve from the 4th of March, 1815, to the 4th of March, 1817. The office which he had accepted, had existence prior to the 4th of March, 1815; or it is not yet created. Either it has no existence, or it existed from the day on which the ratifications of the Treaty of Peace were exchanged—the 18th February, 1815. If the office was created by the Treaty of Peace, the acceptance of it was certainly no violation of the letter or spirit of the constitution. If it was necessary this House should act on the treaty before the office has being, then Peter B. Porter has accepted no office; the office he is said to have accepted having no existence. The gentleman from Virginia seems to suppose, said Mr. F., that the doctrines maintained by this House as to the treaty-making power, are adverse to the idea of the office having been created by the treaty. Not so, said Mr. F., those doctrines are perfectly consistent with the idea that this office was created by the convention. It is not pretended that Commissioners for any purpose of foreign intercourse, as regulated by treaty, may not be created by the President and Senate; on the contrary, according to my understanding, the office is correctly created by the President and Senate, and entirely within their power. The agreement between the two Governments that certain questions should be settled by Commissioners, required not the sanction of this House, further than it would become necessary for the House to make an appropriation to pay them for their services. If their services were to be compensated by any act of this House which Peter B. Porter had assisted in passing, there would be some evidence of a violation of the constitution; that no such fact existed, nor any other that was sufficient to authorize this House to inquire into the subject.

Mr. WRIGHT was desirous to see a spirit of scrutiny prevail, but he did not wish to see it unnecessarily exerted. The provision of the constitution which had been quoted, he said, was intended to guard against the creation of office, and the increase of emolument, by members of Congress, for the benefit of themselves. This appointment, however, cannot come within the purview of this provision of the constitution. Did the treaty create the office; and, if it did, was that the kind of office which the constitution had contemplated? He contended not. The terms of the treaty did not create the

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Canadian Refugees.

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right, he argued, but imposed the obligation to appoint those Commissioners. The office to which the late member of this House was appointed, he considered not a civil but a ministerial office, for the execution of international objects. The President did not derive from the treaty his authority to appoint these Commissioners, but from the constitution. The office was made necessary by the treaty, but the obligation to make the appointment is imposed by the constitution. The office was created by the constitution; the necessity of the appointment was created by the treaty. But even the treaty was ratified before the acceptor of this office became a member of this House; and the emolument attached to it had been neither diminished nor increased whilst he was a member. Mr. W., therefore, expressed his hope that his honorable friend from Virginia, for whom he had a great respect, particularly on account of his investigating spirit, would withdraw his motion: and that, if it was not withdrawn, it would not be agreed to.

Mr. RANDOLPH said he did not set up for the model of the gentleman from Georgia, or any other gentleman; he was the keeper of no man's conscience, the arbiter of no man's opinions. The consistency of the gentleman's opinions was his own affair; but if they are what I consider inconsistent, said Mr. R., it is my affair, and I must retain my opinion, however reluctant to think so of his opinions, &c. If the gentleman from Maryland had succeeded in convincing him that the appointment in question was not an office, Mr. R. said, he should certainly withdraw his proposition; but he had not succeeded. The words of the constitution are—"any civil office under the authority of the United States." If the appointment in question be not an office, he said he should like to know what an office is. What could the duty of Commissioners be resolved into, if it was not resolvable into an office? If it were not an office, he asked, what was it? *Officium*—it had every character of an office, filled by the regular constitutional power, the acceptance of which was incompatible with a seat on this floor. The acceptor of the office was himself conscious he could not retain his seat on this floor; he would have been very glad, I have no doubt, said Mr. R.—I judge of other men by no unfair criterion—he would have been very glad to have held his seat—for I have seen nothing in the history of the gentleman which leads me to suppose he has any very violent objection to pluralities. Mr. R. then proceeded to reply to Mr. WRIGHT's argument, and appealed to the older members of the House—to the fathers in point of age—and particularly to the honorable gentleman from North Carolina, (Mr. STANFORD,) who, he said, was the father of the House, as being the oldest member—he appealed to them for the doctrines laid down in 1793, and particularly by Mr. Gallatin, then a member from Pennsylvania, in respect to the power and discretion residing in the President and Senate as to the appointment of

Ministers, &c., and stated more amply his argument in favor of the inquiry in this particular case.

Mr. STANFORD advocated the inquiry, and quoted the records to show that the House had decided a violation of the spirit of the constitution to be a sufficient ground for them to protest against the case in which it occurred. If he were, indeed, the *father* of the House, according to the figure used by Mr. RANDOLPH, he said he would advise its members to avoid the crumbs of office from the Executive, and to look to the People only, to whom they owed their appointments, as the source of honor, &c.

The question was then taken on Mr. RANDOLPH's motion, as modified, and agreed to—70 votes to 55.

Mr. RANDOLPH, Mr. GROSVENOR, Mr. FORTYTH, Mr. JACKSON, and Mr. YATES, were appointed the said committee.

MONDAY, February 12.

Honors and Rewards to Captains Stewart and Biddle, and the Crews of the Hornet and the Constitution.

The resolution expressive of the sense of Congress of the gallantry of Captain James Biddle, the officers and crew of the Hornet; and a similar resolution respecting Captain Charles Stewart, and the officers and crew of the Constitution, for their last victory, passed through a Committee of the Whole, and were severally ordered, *nem. con.*, to be engrossed, and read a third time.

The bill for rewarding the officers and crew of the Hornet for the capture and destruction of the British sloop-of-war Penguin, passed through a Committee of the Whole. The blank was filled with \$25,000, being the amount allowed in former cases; and the bill ordered to be engrossed for a third reading.

Canadian Refugees.

The House resolved itself into a Committee of the Whole, on the bill for the relief of certain refugees from the British Provinces during the late war.

Several papers were read respecting their merits and services, among which was a very strong testimony to their merits, &c., from General Porter, lately a member of this House.

This bill gave rise to a rather animated debate, in which the claim of the petitioners to indemnity or compensation was sustained by Messrs. THROOP, YATES, WRIGHT, GOLD, and JOHNSON, of Kentucky, and opposed by Messrs. HULBERT, WEBSTER, and STRONG.

This case has been fully presented to our readers in the shape of the petition of the committee on behalf of these sufferers. Their claim is precisely of a character with that for which ample provision was made at the close of the Revolutionary war. They were natives of this country, and, on the breaking out of the war, preferred ranging themselves under the banners of their native country, than that to which, for

purposes of business, they had a temporary alleviation.

The opponents of the bill (which proposes to compensate the claimants' losses by donations of land) oppose it as rewarding treachery, as poisoning the fountains of morality, and use those general expressions of dislike, and even detestation, which such a bill is likely to call forth from those who view it in so odious a light.

The bill was not decided on; but, on motion of Mr. JOHNSON, laid on the table.

TUESDAY, February 13.

Domestic Manufactures.

Mr. NEWTON, from the Committee of Commerce and Manufactures, to whom were referred the several memorials and petitions of the manufacturers of cotton wool, made a report thereon; which was read, and ordered to lie on the table.

The report is as follows:

The Committee of Commerce and Manufactures, to whom were referred the memorials and petitions of the manufacturers of cotton wool, respectfully submit the following report:

The committee were conscious that they had no ordinary duty to perform, when the House of Representatives referred to their consideration the memorials and petitions of the manufacturers of cotton wool. In obedience to the instructions of the House, they have given great attention to the subject, and beg leave to present the result of their deliberations.

They are, not a little apprehensive that they have not succeeded in doing justice to a subject so intimately connected with the advancement and prosperity of agriculture and commerce—a subject which enlightened statesmen and philosophers have deemed not unworthy of their attention and consideration.

It is not the intention of the committee to offer any theoretical opinions of their own or of others. They are persuaded that a display of speculative opinions would not meet with approbation. From these views the committee are disposed to state facts, and to make such observations only as shall be intimately connected with and warranted by them.

Prior to the years 1806 and 1807, establishments for manufacturing cotton wool had not been attempted, but in a few instances, and on a limited scale. Their rise and progress are attributable to embarrassments to which commerce was subjected; which embarrassments originated in causes not within the control of human prudence.

While commerce flourished, the trade which had been carried on with the Continent of Europe, with the East Indies, and with the colonies of Spain and France, enriched our enterprising merchants, the benefits of which were sensibly felt by the agriculturists, whose wealth and industry were increased and extended. When external commerce was suspended, the capitalists throughout the Union became solicitous to give activity to their capital. A portion of it, it is believed, was directed to the improvement of agriculture, and not an inconsiderable portion of it, as it appears, was likewise employed in erecting establishments for manufacturing cotton wool. To make this statement as satisfactory as possible—to give it all the certainty that it is susceptible of attain-

ing—the following facts are respectfully submitted to the consideration of the House. They show the rapid progress which has been made in a few years, and evidently the ability to carry them on with certainty of success, should a just and liberal policy regard them as objects deserving encouragement:

In the year 1800, 500 bales of cotton were manufactured in manufacturing establishments.

In the year 1805, 1,000 bales of cotton were manufactured in manufacturing establishments.

In the year 1810, 10,000 bales of cotton were manufactured in manufacturing establishments.

In the year 1815, 90,000 bales of cotton were manufactured in manufacturing establishments.

This statement the committee have no reason to doubt; nor have they any question as to the truth of the following succinct statement of the capital which is employed, of the labor which it commands, and of the products of that labor:

Capital,	\$40,000,000
Males employed, from the age of 17 and upwards,	10,000
Women and female children,	66,000
Boys under 17 years of age,	24,000
Wages of one hundred thousand persons, averaging \$150 each,	15,000,000
Cotton wool manufactured, ninety thousand bales, amounting to,	27,000,000
Number of yards of cotton, of various kinds,	81,000,000
Cost, per yard, average 30 cents,	24,000,000

The rise and progress of such establishments can excite no wonder. The inducements to industry in a free government are numerous and inviting. Effects are always in unison with their causes. The inducements consist in the certainty and security which every citizen enjoys of exercising exclusive dominion over the creations of his genius, and the products of his labor; in procuring from his native soil, at all times, with facility, the raw materials that are required, and in the liberal encouragement that will be accorded by agriculturists to those who, by their labor, keep up a constant and increasing demand for the produce of agriculture.

Every State will participate in those advantages. The resources of each will be explored, opened, and enlarged. Different sections of the nation will, according to their position, the climate, the population, the habits of the people, and the nature of the soil, strike into that line of industry which is best adapted to their interest and the good of the whole; an active and free intercourse, promoted and facilitated by roads and canals, will ensue; prejudices, which are generated by distance, and the want of inducements to approach each other and reciprocate benefits, will be removed; information will be extended; the Union will acquire strength and solidity, and the Constitution of the United States, and that of each State, will be regarded as fountains from which flow numerous streams of public and private prosperity.

Each government, moving in its appropriate orbit, performing with ability its separate functions, will be endeared to the hearts of a good and grateful people.

The States that are most disposed to manufacture, as regular occupations, will draw from the agricultural States all the raw materials which they want, and not an inconsiderable portion also of the necessities of life; while the latter will, in addition to the benefits which they at present enjoy, always command, in peace or in war, at moderate prices, every species of manufacture that their wants may require.

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Should they be inclined to manufacture for themselves, they can do so with success, because they have all the means in their power to erect and extend at pleasure manufacturing establishments. Our wants being supplied by our own ingenuity and industry, exportation of specie to pay for foreign manufactures, will cease.

The value of American produce, at this time exported, will not enable the importers to pay for the foreign manufacture imported. Whenever the two accounts shall be fairly stated, the balance against the United States will be found many millions of dollars. Such is the state of things, that the change must be to the advantage of the United States. The precious metals will be attracted to them; the diffusion of which, in a regular and uniform current, through the great arteries and veins of the body politic, will give to each member health and vigor.

In proportion as the commerce of the United States depends on agriculture and manufactures as a common basis, will it increase and become independent of those revolutions and fluctuations, which the ambition and jealousy of foreign Governments are too apt to produce. Our navigation will be quickened; and supported as it will be by internal resources, never before at the command of any nation, will advance to the extent of those resources.

New channels of trade to enterprise, no less important than productive, are opening, which can be secured only by a wise and prudent policy appreciating their advantage.

If want of foresight should neglect the cultivation and improvement of them, the opportune moment may be lost, perhaps for centuries, and the energies of this nation be thereby prevented from developing themselves, and from making the boon which is proffered our own. By trading on our own capital, collisions with other nations, if they be not entirely done away, will be greatly diminished.

This natural order of things exhibits the commencement of a new epoch, which promises peace, security, and repose, by a firm and steady reliance on the produce of agriculture; on the treasures that are embosomed in the earth; on the genius and ingenuity of our manufacturers and mechanics; and on the intelligence and enterprise of our merchants.

The Government, possessing the intelligence and the art of improving the resources of the nation, will increase its efficient powers, and, enjoying the confidence of those whom it has made happy, will oppose to the assailant of the nation's rights the true, the only invincibleegis, the unity of will and strength. Causes producing war will be few. Should war take place, its calamitous consequences will be mitigated, and the expenses and burdens of such a state of things will fall with a weight less oppressive and injurious on the nation. The expenditures of the last war were greatly increased by a dependence on foreign supplies. The prices incident to such a dependence will always be high.

Had not our nascent manufacturing establishments increased the quantity of commodities at that time in demand, the expenditures would have been much greater, and consequences the most fatal and disastrous—alarming even in contemplation—would have been the fate of this nation. The experience of the past teaches a lesson never to be forgotten, and points emphatically to the remedy. A wise Government should heed its admonitions, or the independence of this nation will be exposed to "the shafts of fortune."

The committee, keeping in view the interests of the nation, cannot refrain from stating that cotton fabrics imported from India, interfere not less with that encouragement to which agriculture is justly entitled, than they do with that which ought reasonably to be accorded to the manufacturers of cotton wool. The raw material of which they are made is the growth of India, and of a quality inferior to our own. The fabrics themselves, in point of duration and use, are likewise inferior to the substantial fabrics of American manufacture. Although the India cotton fabrics can be sold for a lower price than the American, yet the difference in the texture is so much in favor of the American, that the latter may be safely considered as the cheapest.

The distance of most of the Western States from the ocean, the exuberant richness of the soil, and the variety of its products, forcibly impress the mind of the committee with a belief that all these causes conspire to encourage manufactures, and to give an impetus and direction to such a disposition. Although the Western States may be said to be *in the gristle*, in contemplation of that destiny to which they are hastening, yet the products of manufactures in those States are beyond every calculation that could reasonably be made; contrary to the opinion of many enlightened and virtuous men, who have supposed, that the inducements of agriculture, and the superior advantages of that life, would suppress any disposition to that sort of industry. But theories, how ingeniously soever they may be constructed—how much soever they may be made to conform to the laws of symmetry and beauty—are no sooner brought into conflict with facts than they fall into ruins. In viewing their fragments, the mind is irresistibly led to render the homage due to the genius and taste of the architects; but cannot refrain from regretting the waste, to no purpose, of superior intellects. The Western States prove the fallacy of such theories; they appear in their growth and expansion to be in advance of thought. While the political economist is drawing their portraits, their features change and enlarge with such rapidity that his pencil in vain endeavors to catch their expressions, and to fix their physiognomy.

It is to their advantage to manufacture, because, by decreasing the bulk of the articles, they at the same time increase their value by labor, bring them to market with less expense, and with the certainty of obtaining the best prices. Those States, understanding their interest, will not be diverted from its pursuit. In the encouragement of manufactures, they find a stimulus for agriculture.

The manufacturers of cotton, in making application to the National Government for encouragement, have been induced to do so for many reasons. They know that their establishments are new and in their infancy, and that they have to encounter a competition with foreign establishments, that have arrived at maturity, that are supported by a large capital, and that have from the Government every protection that can be required.

The American manufacturers expect to meet with all the embarrassments which a jealous and monopolizing spirit can suggest. The committee are sensible of the force of such considerations. They are convinced that old practices and maxims will not be abandoned to favor the United States. The foreign manufacturers and merchants will put in requisition all the powers of ingenuity; will practise whatever art can devise, and capital can accomplish, to pre-

vent the American manufacturing establishments from taking root and flourishing in their rich and native soil. By the allowance of bounties and drawbacks the foreign manufacturers and merchants will be furnished with additional means of carrying on the conflict and of insuring success.

The American manufacturers have good reasons for their apprehensions—they have much at stake. They have a large capital employed, and are feelingly alive for its fate. Should the National Government not afford them protection, the dangers which invest and threaten them will destroy all their hopes, and will close their prospects of utility to their country. A reasonable encouragement will sustain and keep them erect, but if they fall, they fall never to rise again.

The foreign manufacturers and merchants know this, and will redouble with renovated zeal the stroke to prostrate them. They also know, that should the American manufacturing establishments fall, their mouldering piles—the visible ruins of a legislative breath—will warn all who shall tread in the same footsteps, of the doom, the inevitable destiny, of their establishments.

The National Government, in viewing the disastrous effects of a short-sighted policy, may relent; but what can relenting avail? Can it raise the dead to life? Can it give, for injuries inflicted, the reparation that is due? Industry, in every ramification of society, will feel the shock, and generations will, as they succeed each other, feel the effects of its undulations. Dissatisfaction will be visible everywhere, and the lost confidence and affections of the citizens will not be the least of the evils the Government will have to deplore. But should the National Government, pursuing an enlightened and liberal policy, sustain and foster the manufacturing establishments, a few years would place them in a condition to bid defiance to foreign competition, and would enable them to increase the industry, wealth, and prosperity of the nation; and to afford to the Government, in times of difficulty and distress, whatever it may require to support public credit, while maintaining the rights of the nation.

FRIDAY, February 16.

Remains of General Washington.

Mr. HUGER rose, as the House was about to adjourn, and observed: That what he deemed a solemn duty obliged him to claim the indulgence of the House for a few moments. He had been detained by severe indisposition from attending his duties in that body since Saturday last, and, though better, he should not have ventured out to-day but for a piece of information which had accidentally reached him that morning. In glancing his eyes over the papers just brought him, he was struck by certain resolutions published in the *Richmond Inquirer*, from which it appeared that the Legislature of Virginia had, by a unanimous vote, authorized the Governor of the State to apply to the Honorable Bushrod Washington, to permit the remains of her beloved son, the late General GEORGE WASHINGTON, to be removed, and interred near the capital of Virginia. His heart sunk within him, he confessed, on reading those resolutions, and recalling to mind the scenes he

had once witnessed, and in which he had personally acted a part on the floor of that Congress, which represented the American nation, on the death of this great man. He had often since thought with astonishment, and more than regret, of the apathy of the American people on this subject. But, although he remembered with the most poignant grief the failure of his exertions, and the far more powerful exertions of some of the best and greatest men who were at that time members of Congress, to get something done worthy of the Father of his Country, and not unworthy of the American nation; yet he had not forgotten that the Sixth Congress had gone so far as to authorize the President of that day to write in behalf of the nation to Mrs. Washington, and to make of her a like request in regard to the remains of our beloved WASHINGTON. Neither had he forgotten the admirable and pathetic letter written by that lady, in which she grants their request. The remains of WASHINGTON then were pledged to the whole nation, and he trusted the time was at length come, when the honors sacredly due to them would be paid, as they ought long ago to have been, by the Representatives of the whole American people. He had himself been a member of that Congress, and one of those who had approved of the application made to Mrs. Washington. He had, moreover, been one of the committee (the only one now honored with a seat on this floor) to whom the subject had been referred, when it had last been before Congress. He did not, therefore, he trusted, assume too much to himself, when he ventured to think, that it had in some degree devolved on him, as a sacred and solemn duty, to call the attention of Congress to this subject at the present time, and under the particular circumstances which he had noticed above. Accordingly, indisposed as he was, he had, without the loss of a single moment, hurried down to the House, and seized the first possible opportunity to offer the resolution he held in his hand. Before he read it to the Chair, he would be permitted to add, that he trusted no gentleman could possibly suppose he meant thereby to express any disapprobation in regard to the resolutions of the Legislature, or to evince the smallest disrespect to the State of Virginia. He was one of the last men in that House to do so. Virginia had been to him, in no small degree, a second *alma mater*. Though he first drew his breath in the capital of South Carolina, he had passed, during the Revolutionary war, several of his early years in the former State—being exiled from his native State, then in possession of the enemy. He had met everywhere, and from thousands in Virginia, hospitality, kindness, friendship, and he might with propriety add, parental affection and protection. It was impossible all this could ever be erased from his heart, and as he before observed, he had never ceased to regard Virginia as his second *alma mater*. But South Carolina was not less dear to him, nor could he for-

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get her claims on the present occasion. She formed a portion, and he was bold to say an honorable portion of the great American nation. As such, she had her full interest in the pledge possessed, to the mortal remains of our Father and Chief. As a South Carolinian, therefore, and member of the American family, as well as from the peculiar circumstances connected with his personal situation, being an immediate Representative on the occasion before alluded to, and at the present time of the State of South Carolina, he felt himself imperiously bound to offer the following resolution to the House :

Resolved, That a committee be appointed to examine into the proceedings of a former Congress, on the lamented death of the late GEORGE WASHINGTON, and to take into consideration what further measures it may be expedient to adopt at the present time in relation to that sacred and interesting subject.

Before the resolution was disposed of, a motion was made to adjourn, and carried.

SATURDAY, February 17.

Remains of General Washington.

Mr. ROOR, of New York, said he was unwilling for one to agree to the consideration of the resolution, but did not desire to make any remarks against it. He knew, he said, that it was considered political heresy to oppose any thing plumed with the name of WASHINGTON, but on this occasion he should disregard that imputation. It had once been attempted to erect a mausoleum, an Egyptian pyramid to him, and he presumed such was the object of the resolution now offered. Such an enterprise he was unwilling to second; not because the fame and virtues of WASHINGTON had less effect on his mind than on others, but because he wished to protect that fame, which he revered. Mr. R. said this resolution declared the fame of WASHINGTON perishable, if a monument of marble be not erected to perpetuate it. Sir, its fame fills the four quarters of the globe, and will survive long after your marble has crumbled to dust. *Are perennis*—his fame is more durable than brass or marble. Let his remains slumber on their native plantation; for my part, said Mr. R., I would rather his name should live in history than in marble. Erect a monument to him, and it may at some future day be exposed to the insults of an enemy. We have had one enemy who would not respect an edifice erected to him, nor could his name protect it from destruction; but they cannot reach his fame—can never touch it. By this resolution too, some may be deprived of the exercise of their political devotion. We know that professing devotees who now come here, must make a pilgrimage to Mount Vernon to show their devotion. The expense likewise, said Mr. R., forms a serious objection to such a scheme, and every good and great man hereafter will have a claim to a similar honor. Let us not establish the precedent.

Mr. HUGER said in reply, that in one respect the gentleman was in an error; no expense was

now proposed. He had endeavored so to word the resolution as to escape objection. He could not, he said, reconcile it to his mind, as a citizen of this country, longer to neglect those sacred remains. Whether that neglect was right or wrong, he had not said, nor did he intend now to pronounce; but this he could with propriety assert, that the United States are bound to act on the subject in some shape or other, and the object of the resolution was simply to call on them to say what they are willing to do. He was a member of that Congress which gave to the nation a solemn pledge on this subject, and he wished them now to decide whether that pledge was to be redeemed or relinquished. He had not thought of a mausoleum, nor indeed had he contemplated any particular object of that kind. But, because there may be some expense attending it, are Congress to do nothing in a case where they are so sacredly pledged? Sir, said Mr. H., we are called on to act on this subject—a great State has most solemnly called on us. The majority may say, "our father is dead, we are satisfied, let his remains rest;" but if such be the case, let Virginia at once have the honor and glory of providing for them. Unwilling as I am, that any State should possess the venerated remains of WASHINGTON; yet, if we decline it, let his native State do them honor. Nothing has been said by me about a mausoleum or a monument. All I ask is a decision in one way or other; to redeem or reject the pledge given—in that I surely ask nothing wrong.

The resolution was then modified and agreed to by the House as follows, and a committee-of seven appointed on the part of this House:

Resolved, That a committee be appointed, to join such committee as may be appointed by the Senate, to examine into the proceedings of a former Congress on the lamented death of the late GEORGE WASHINGTON, and to take into consideration what further measures it may be expedient to adopt at the present time in relation to that solemn and interesting subject.

Messrs. HUGER, SMITH, of Maryland, TALLMADGE, JACKSON, MOORE, CHAMPION, and CONNOR, were appointed the committee on the part of this House.

Canadian Volunteers.

The House then resolved itself into a Committee of the Whole, on the bill for the relief of the Canadian volunteers; Mr. WEBSTER's motion to strike out the first section (to reject the bill) still under consideration.

TUESDAY, February 20.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: "An act for the relief of Lieutenant Colonel William Lawrence, of the army of the United States, and the officers, non-commissioned officers, and privates composing the garrison of Fort Bowyer, in the year 1814."

National University.

Mr. WILDE, from the committee appointed on that part of the President's Message, at the commencement of the session, which relates to a national seminary of learning within the District of Columbia, reported a bill for the establishment of a National University; which was read twice, and committed to a Committee of the Whole.

Canadian Refugees.

The House then proceeded to the consideration of the report of the Committee of the Whole, being the amendments of the committee to the bill to compensate certain Canadian volunteers.

The amendment reported by the Committee of the Whole, changed the original principle of the bill from compensation in proportion to loss of property in Canada, to remuneration according to rank in our service, agreeably to the following scale: to a colonel, 960 acres; a major, 800; a captain, 640; a subaltern, 480; and non-commissioned officers and privates, 320 acres each.

Mr. JACKSON, of Virginia, moved an amendment to the second section, to authorize the immediate location of the several bounties on any surveyed public lands in the Indiana Territory.

After some opposition to the motion by Mr. PICKERING, and reply by Mr. JOHNSON, of Kentucky, the amendment was agreed to without a division.

Some further amendment was made to the amendments of the Committee of the Whole; when

Mr. ALEXANDER said: I have to regret, Mr. Speaker, that I have taken any part in this discussion, as it necessarily invites, nay, impels me to support, and more explicitly to explain, the views which I had the honor to submit when in Committee of the Whole yesterday. My views of doing justice, sir, are guided and directed by the extent of the injury complained of, and submitted for my examination and decision.

The amendment which has been adopted in this bill, by the Committee of the Whole on yesterday, has wholly and entirely changed the original character and principle of this bill, by assuming (*pro hac*) a fact which is not true, and which cannot be justified by a true statement of the case of these Canadian refugees, as they are called. The assumed fact is this, sir: that these Canadian gentlemen are to be considered, by the principles of this amendment, as our own disbanded officers; for, the compensation in land proposed to them by this amendment is graduated by the very terms, and in the very language of the bill which had for its object a bounty in land to our own disbanded officers, as a reward to the soldier's merit, and which bill was, three days ago, rejected by a large majority, when in Committee of the Whole on that subject.

These Canadians have substantial merits, and

ought to be relieved, on principle, for the losses sustained by them, and we ought to meet their case fairly, and decide it upon its own merits. They are either entitled to compensation for the losses sustained by them, or they are not entitled. If they are entitled, it is just, and honor compels you to relieve them to the extent of their loss, and that, too, on principle. Now, sir, for the principle of this amendment. By its provisions, some of these Canadians will get ten times more, perhaps, than ever they were worth in property, and some of them will get ten times less than the loss they have actually sustained. A private soldier may have been worth more than his colonel, major, or captain: yet his colonel will get nine hundred and sixty acres, his major eight hundred, his captain six hundred and forty acres, and himself but three hundred and twenty acres. Is this doing justice on principle? Away with such justice as this! it has no charms for me. I had like to have said it would be absurd—I will say it—and if it is not, *that word* ought not to have a place in the English language. It shall not: and I will insert in its place the word *ridiculum*. These Canadians are to be considered as our own disbanded officers, and to be rewarded as such for their gallant services—not indemnified for their losses—by the same scale, too, that our own officers have been proposed to be rewarded.

But, sir, I suppose our own officers are not equally meritorious, or that it would take a little more land to reward them. Sir, I fear the latter ground is the grand objection and secret which has rejected the bounty to your own disbanded officers. Sir, the Canadians ought to be indemnified, and our own officers rewarded: and although their cases are perfectly distinct in principle, yet they are both meritorious claims on your bounty. Humanity and every noble principle of our nature cry aloud in their favor. Sir, what do these Canadians ask of you? They do not ask a reward, they ask indemnity for losses sustained by them, in consequence of having joined your standard in the late war.

Sir, the motion which I shall presently have the honor to submit, is intended to have the truth, and the real merits of the case of these Canadians laid before us, that we may meet their case fairly and manfully.

Sir, it is said that some of these Canadians have lost twenty thousand dollars? And pray, sir, is that the objection to our paying it? If it was a hundred thousand dollars, it is not the less just. Plead your poverty and your bankruptcy, but never deny your debt. I suspect that some of these Canadians have not lost twenty dollars in property. I am for paying each in proportion to his actual loss. I move, therefore, that this bill, as amended, be recommended to the Committee on Military Affairs with instructions to report to the House the facts which constitute the claims of these Canadian refugees.

Mr. WRIGHT spoke as follows:

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Unsettled Balances.

[H. OF R.]

Mr. Speaker, I am sorry to discover such an indisposition to remunerate the petitioners, who, by proclamation, were invited to join the American standard, being then subjects of Great Britain, resident in Canada. The honorable gentleman from Massachusetts says, that "it is immoral to encourage crime;" and he, therefore, is opposed to giving these gentlemen the amount of their losses by confiscation, which they have sustained by their confidence in the faith of this nation, pledged by that proclamation. Sir, in the abstract I admire the purity of the gentleman's principles, and was that question fairly before us, I should view the subject as he does. But that is not the question; but whether we shall fulfil the promises of the Government, in indemnifying these gentlemen for their losses sustained in joining the American standard by the invitation of the Government. However we may admire the gentleman's principles in the abstract, yet, sir, practically, as in application to the case before us, I cannot but support the conduct of the Administration in their proclamation, and of course the claim of the gentlemen claiming under that proclamation. Sir, the *lex talionis* imposed that policy on this Administration. The British arts of seduction of the Indians and negroes to join their standard, and imbrue their hands in the blood of their fellow-citizens and masters admits of no doubt; nay, sir, in time of peace, their attempts to seduce whole States from allegiance, through the agency of the noted Henry, has been fully proved, although he failed to effect the object of his demoralizing mission, owing to the unshaken fidelity of the citizens of that region, so pridefully called the cradle of the Revolution. I ask, with this evidence before the eyes of our Government, could they, in justice to the nation, forego this act of retaliation? I presume not. But, sir, if that act was in itself improper, it having been done by authority, and the United States having obtained the benefit, can it be possible that honorable men can deny to these gentlemen that remuneration which reason and justice entitle them to expect. A number of these gentlemen were natives of the United States, who, unwilling to imbrue their hands in the blood of their relatives and countrymen, under this proclamation joined the American standard; to these the objections do not so directly apply, but to me, that can make no distinction, because the measure of remuneration is not to be regulated by the limit of the proclamation, and as all were alike invited, so all are equally entitled to the same remuneration. In the war of the Revolution the native sons of America were all invited to join our standard; we considered all Americans as the American *natale solum*, and we considered these invitations to them to unite with us to defend America against foreign oppressions as most justly growing out of the state of affairs in which we found ourselves at the commencement of the war—and I, therefore, shall most cordially vote for their relief, in the

cases before us, which a just and wise policy induces the Government to adopt, and their devotion to this country, and their confidence in its pledged faith, induced them to embrace.

After an unsuccessful motion by Mr. HALL to lay the bill on the table for the purpose of having it printed, and some explanatory remarks from Mr. INGHAM, the question on concurring in the report of the Committee of the Whole (to apportion the bounty according to rank) was taken by yeas and nays, and decided in the affirmative—yeas 85, nays 48.

Ordered, That the said bill be engrossed and read a third time to-morrow.

FRIDAY, February 23.

Unsettled Balances.

Mr. HUGER said he had been so long out of Congress, and so lately become a member again, as yet not to have obtained that Parliamentary tact or feeling, which would enable him to judge whether the vote given a day or two ago, against taking up the resolution he had offered, on the subject of unsettled balances, had originated in a wish to yield a precedence to other business, or to give the go-by altogether to his resolution. He flattered himself, however, he would not allow himself to doubt, but that his motion to take up the resolution had been rejected for the last reason. Every gentleman who had turned his attention to these unsettled balances, and had only glanced his eye over the voluminous volumes in which they were contained, and which, year after year, and session after session, uselessly encumbered their tables, must feel a conviction, not only that there was great room, but in truth an urgent and imperious necessity, for inquiry and investigation in regard to them. This point admitted, it must also be admitted, that the present time was peculiarly favorable to such investigation. He had never witnessed, perhaps there never was a session since the existence of the Federal Government, in which such general and reciprocal harmony, and such almost universal good humor prevailed in both branches of the Legislature. Party spirit, and party animosities, seemed to have disappeared—to have been banished from within these walls. What moment could be more auspicious, or better calculated for the consideration of subjects of this kind? He did not know how members could better dispose of their time, or in what way they could more essentially serve their constituents and the public than by this investigation, and others of a similar nature.

The act requiring the annual publication of balances unsettled in the different departments, for three years previous, together with the names of those charged with such unsettled balances, had been passed by a Congress of which he was not a member. He could not, therefore, pretend to say what had been the particular objects in view when this measure was adopted. No doubt, however, that it was supposed likely to contribute in some way

towards the settlement of outstanding accounts of the different departments. Perhaps it was thought that persons who might be, or had been, in the public service, and in the habit of handling public money, would feel some little delicacy, and be possibly deterred from allowing their accounts to remain so long unsettled, by the certainty of having their names thus brought before Congress, and thereby held up to the world. If such was the expectation, he was sorry to say it had, in a great measure, if not altogether, failed; for the most respectable names were to be found in the same columns with those who were probably real defaulters, and who thereby escaped, in a great degree, the opprobrium so richly their due. This was one among the many motives which induced him to wish an investigation of the subject. Another, was the amount of these balances. It was not a question in regard to hundreds or thousands, or tens of thousands. He could put his finger on unsettled balances of hundreds of thousands, in some instances of more than half a million of dollars.

He begged leave, therefore, again to call up his resolution. And here he would resume his seat, but some gentleman near him suggested a call of the yeas and nays. For himself, he had no wish or intention to demand them. On the contrary, he did not want the yeas and nays called. His object was not to excite party feeling, nor to animadvert upon any Administration, nor upon any description of men. His real and *bona fide* object was to have the business fairly and fully investigated; to learn how it happened that such enormous balances remained so long unliquidated and unsettled, and to see whether measures could not be devised to remedy, or at least to check the growth of what appeared to him, and he believed to every gentleman who heard him, a serious evil. The time, as before observed, was peculiarly favorable to such an investigation; so much so, that if the House thought with him, he would be disposed to have select committees appointed to examine into the expenditure, accounts, and mode of settlement in each and every department. He verily believed that Congress could not adopt a measure which would be more grateful to their constituents, and to the Chief Executive Magistrate himself, nor one more likely to have a beneficial operation, as well in correcting any possible abuses heretofore, as in promoting a correct administration of the public revenue in time to come.

Mr. H. observed, it had become the fashion of the day to quote Latin. He would ask leave to contribute his mite to the common stock, and offer a Latin sentence to their consideration. He said it was an old and trite maxim, familiar to everybody, and which he recollected to have heard often quoted, when a boy, by an old-fashioned master of arithmetic, under whom he had studied. It nevertheless appeared to him by no means unworthy of the attention of even that honorable body, nor altogether inapplicable to

the matter under discussion. It was to the following effect:

"Nullus tantus questus, quam quod habes parcere."

[At the last word Mr. H. hesitated somewhat, not being able to recall it immediately to mind, which excited considerable laughter. On recollection, however, he proceeded.]

Parcere, to economize, is the word, and a very significant and important word it was. At the moment, it had escaped his recollection; but this was not surprising, for it was a word not unfrequently forgotten by other honorable members in the House. No wonder, therefore, that the air of that hall, and an *esprit de corps* had unexpectedly, and somewhat untowardly to be sure, affected his memory. He joined, however, with pleasure in the laugh, though at his own immediate expense. He did so the more willingly and readily, as he augured favorably to the success of his resolution from the good humor the House was in.

Death of Mr. Brigham.

Mr. PICKERING then announced the death of his colleague, Mr. BRIGHAM, and moved that a committee should be appointed to superintend his funeral. A committee of seven was accordingly appointed for the purpose.

Mr. PICKERING then moved that the House should, as a testimony of their respect for the deceased, wear a black crape on the left arm for a month, which was ordered. He then moved that the members of the House should attend the funeral at twelve o'clock to-morrow; and that a message should be sent to the Senate with information to that effect; which was also ordered.

The House then adjourned to Saturday.

SATURDAY, February 24.

William P. Lawrence.

Mr. YANCEY, from the Committee of Claims, made a report on the petition of William P. Lawrence, which was read, and the resolution therein contained was concurred in by the House.

Elizabeth Hamilton, widow of Gen. Hamilton.

Mr. COMSTOCK, from the Committee on Pensions and Revolutionary Claims, made a report on the petition of Elizabeth Hamilton, which was read; when Mr. C. reported a bill for the relief of Elizabeth Hamilton, which was read twice, and committed to a Committee of the Whole. The report is as follows:

That it is stated by the petitioner that her late husband, Alexander Hamilton, was, as she is advised, justly entitled to five years' full pay (as commutation or half-pay during life) of a lieutenant colonel in which capacity he served in the regular Army of the United States during the Revolutionary war.

That her husband never received the said pay to which he was so entitled; that if he ever relinquished his claim to said pay, of which an apprehension is expressed by the petitioner, it was from the delicate

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motive of divesting himself of all interest upon the subject of making provision for the disbanded officers of the Revolutionary army who served during the war, in which important business he was called on to act, as a member of Congress, in the year 1782; and that the present situation of the family of her lamented husband renders it desirable that they should receive that remuneration to which he was justly entitled from his country. This remuneration, therefore, the petitioner respectfully solicits.

The committee are not aware of any public record or document showing the time at which Colonel Hamilton resigned his commission in the Army. From the uniform tenor of various letters of distinguished officers of the Revolutionary army, addressed to the Honorable Richard M. Johnson, as chairman of the Committee of Claims, in the year 1810, as well as from a brevet commission dated the 28th October, 1782, by which Lieutenant Colonel Alexander Hamilton was promoted to the rank of Colonel by brevet in the Army of the United States, the committee entertain the opinion that Colonel Hamilton served during the war, and that he never received either half-pay during life, or full pay for five years in lieu thereof as commutation, to which he was entitled by law.

Of any relinquishment of Colonel Hamilton to the claim now asked to be satisfied, the committee possess no knowledge, except that derived from the apprehension expressed in the petition to which they have already adverted, and from a written document signed A. H., importing to be a statement of the temporal concerns of Colonel Hamilton, in which allusion is made to a note by him signed, addressed to the Secretary of War, relinquishing the claim in question. The committee would further remark that, should a probability exist that Colonel Hamilton may have relinquished his said claim, and notwithstanding it is barred by the statute of limitation, nevertheless, as the services have been rendered to the country, by which its happiness and prosperity have been promoted, they are of opinion that, to reject the claim under the peculiar circumstances by which it is characterized, would not comport with that honorable sense of justice and magnanimous policy which ought ever to distinguish the legislative proceedings of a virtuous and enlightened nation.

They have therefore prepared a bill granting the relief solicited in the premises.

MONDAY, February 26.

Bounty for Military Services.

Mr. YANOEY, from the Committee of Claims, made a report on the petition of Abigail O'Flyng, which was read; when Mr. Y. reported a bill for the relief of Patrick O'Flyng, Abigail O'Flyng, and Edmund O'Flyng; which was read twice and committed to a Committee of the whole House to-morrow.

The report is as follows:

That Abigail O'Flyng is the wife of Patrick O'Flyng, of the town of Batavia, in the State of New York. During the late war Patrick O'Flyng, and three of his sons, Patrick, Temple E., and Edmund O'Flyng, enlisted as soldiers in the army of the United States. The father continued in the service until the 28th of June, 1815, and was then honorably discharged; Edmund O'Flyng, the youngest son, on

account of distinguished good conduct and bravery, was discharged from the service, and obtained a cadet's appointment in the Military Academy at West Point; Patrick O'Flyng, on account of his brave and meritorious conduct, was promoted to the appointment of a lieutenant, and Temple E. O'Flyng to that of ensign. Patrick led the forlorn of the first brigade, under the command of General Miller, in the sortie at Fort Erie; and of twenty-four men whom he commanded, twenty were killed or wounded. Since the termination of the war he has died, without wife or child. Temple E. O'Flyng, on that memorable occasion, equally distinguished himself; he received a wound, of which he died the next day, leaving no wife or child.

The petitioner states that her husband, being old and infirm, is unable to attend to his business, and that she has made application to the War Department for the bounty land of her husband and sons, and has received for answer that her husband, Patrick O'Flyng, being above forty-five, and her youngest son, Edmund, being under eighteen, at the time of their enlistment, the act of Congress does not authorize the department to issue warrants for the land; and that in consequence of the promotion of her other two sons, Patrick and Temple, to appointments in the Army, they are not entitled to their bounty lands.

The committee entertain no doubt that the construction of the act of Congress, given to it by the department, is correct; but they, at the same time, entertain no doubt of the equitable and just claim of the petitioner and her husband. Notwithstanding the father was above forty-five, and the youngest son under eighteen, they performed services, as soldiers, important and valuable to their country, and highly honorable to themselves and their family.

The committee are also of opinion that the claim of the petitioner and her husband, for the bounty land of Lieutenant and Ensign O'Flyng, is equally meritorious and just. It cannot possibly be the policy of the Government to withhold the bounty land of a soldier because he has distinguished himself by his bravery and good conduct so as to merit and receive an appointment in the Army.

The committee are of opinion that the persons interested are entitled to relief, and therefore report by bill.

National Bank.

The House having resolved itself into a Committee of the Whole, Mr. NELSON, of Virginia, in the Chair, on that subject, the bill having been read, establishing a National Bank, with a capital of thirty-five millions of dollars—

Mr. CALHOUN rose to explain his views of a subject so interesting to the Republic, and so necessary to be correctly understood, as that of the bill now before the committee. He proposed at this time only to discuss general principles, without reference to details. He was aware, he said, that principle and detail might be united, but he should at present keep them distinct. He did not propose to comprehend in this discussion the power of Congress to grant bank charters, nor the question whether the general tendency of banks was favorable or unfavorable to the liberty and prosperity of the country; nor the question whether a National Bank would be favorable to the operations of the Government. To discuss these

questions, he conceived, would be a useless consumption of time. The constitutional question had been already so freely and frequently discussed, that all had made up their mind on it. The question whether banks were favorable to public liberty and prosperity, was one purely speculative. The fact of the existence of banks, and their incorporation with the commercial concerns and industry of the nation, proved that inquiry to come too late. The only question was, on this hand, under what modifications were banks most useful, and whether the United States ought or ought not to exercise the power to establish a bank. As to the question whether a National Bank would be favorable to the administration of the finances of the Government, it was one on which there was so little doubt, that gentlemen would excuse him if he did not enter into it. Leaving all these questions then, Mr. C. said, he proposed to examine the cause and state of the disorders of the national currency, and the question whether it was in the power of Congress, by establishing a National Bank, to remove those disorders. This, he observed, was a question of novelty and vital importance—a question which greatly affected the character and prosperity of the country.

As to the state of the currency of the nation, Mr. C. proceeded to remark that it was extremely depreciated, and in degrees varying according to the different sections of the country, all would assent. That this state of the currency was a stain on public and private credit, and injurious to the morals of the community, was so clear a position as to require no proof. There were, however, other considerations arising from the state of the currency not so distinctly felt, nor so generally assented to. The state of our circulating medium was, he said, opposed to the principles of the Federal Constitution. The power was given to Congress by that instrument in express terms to regulate the currency of the United States. In point of fact, he said, that power, though given to Congress, is not in their hands. The power is exercised by banking institutions, no longer responsible for the correctness with which they manage it. Gold and silver have disappeared entirely, there is no money but paper money, and that money is beyond the control of Congress. No one, he said, who referred to the constitution, could doubt that the money of the United States was intended to be placed entirely under the control of Congress. The only object the framers of the constitution could have in view in giving to Congress the power "to coin money, regulate the value thereof and of foreign coin," must have been to give a steadiness and fixed value to the currency of the United States. The state of things at the time of the adoption of the constitution, afforded Mr. C. an argument in support of his construction. There then existed, he said, a depreciated paper currency, which could only be regulated and made uniform by giving a power for that purpose to the Gen-

eral Government. The States could not do it. He argued, therefore, taking into view the prohibition against the States issuing bills of credit, that there was a strong presumption this power was intended to be exclusively given to Congress. Mr. C. acknowledged there was no provision in the constitution by which States were prohibited from creating the banks which now exercised this power; but, he said, banks were then but little known; there was but one, the Bank of North America, with a capital of only four hundred thousand dollars; and the universal opinion was, that bank notes represented gold and silver, and that there could be no necessity to prohibit banking institutions under this impression, because their notes always represented gold and silver, and they could not be multiplied beyond the demands of the country. Mr. C. drew the distinction between banks of deposit and banks of discount, the latter of which were then but little understood, and their abuse not conceived until demonstrated by recent experience. No man, he remarked, in the Convention, much talent and wisdom as it contained, could possibly have foreseen the course of these institutions; that they would have multiplied from one to two hundred and sixty; from a capital of four hundred thousand dollars to one of eighty millions; from being consistent with the provisions of the constitution, and the exclusive right of Congress to regulate the currency, that they would be directly opposed to it; that so far from their credit depending on their punctuality in redeeming their bills with specie, they might go on, *ad infinitum*, in violation of their contract, without a dollar in their vaults. There had, indeed, Mr. C. said, been an extraordinary revolution in the currency of the country. By a sort of under-current, the power of Congress to regulate the money of the country had caved in, and upon its ruin had sprung up those institutions which now exercised the right of making money for the United States—for gold and silver are not the only money, but whatever is the medium of purchase and sale, in which bank paper alone was now employed, and had, therefore, become the money of the country. A change, great and wonderful, has taken place, said he, which divests you of your rights, and turns you back to the condition of the Revolutionary war, in which every State issued bills of credit, which were made a legal tender and were of various value.

This, then, Mr. C. said, was the evil. We have in lieu of gold and silver a paper medium, unequally but generally depreciated, which affects the trade and industry of the nation; which paralyzes the national arm; which sullies the faith, both public and private, of the United States; a paper no longer resting on gold and silver as its basis. We have indeed laws regulating the currency of foreign coin, but they are under present circumstances a mockery of legislation, because there is no coin in circulation. The right of making money—an attribute of sovereign power, a sacred and

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important right—was exercised by two hundred and sixty banks, scattered over every part of the United States, not responsible to any power whatever for their issues of paper. The next and great inquiry was, he said, how this evil was to be remedied. Restore, said he, these institutions to their original use; cause them to give up their usurped power; cause them to return to their legitimate office of places of discount and deposit; let them be no longer mere paper machines; restore the state of things which existed anterior to 1813, which was consistent with the just policy and interests of the country; cause them to fulfil their contracts, to respect their broken faith, resolve that everywhere there shall be a uniform value to the national currency, your constitutional control will then prevail.

A National Bank, he says, paying specie itself, would have a tendency to make specie payments general, as well by its influence as by its example. It will be the interest of the National Bank to produce this state of things, because otherwise its operations will be greatly circumscribed, as it must pay out specie or National Bank notes; for he presumed one of the first rules of such a bank would be to take the notes of no bank which did not pay in gold and silver. A National Bank of thirty-five millions, with the aid of those banks which are at once ready to pay specie, would produce a powerful effect all over the Union. Further, a National Bank would enable the Government to resort to measures which would make it unprofitable to banks to continue the violation of their contracts, and advantageous to return to the observance of them. The leading measures of this character would be to strip the banks refusing to pay specie of all the profits arising from the business of the Government, to prohibit deposits with them, and to refuse to receive their notes in payment of dues to the Government. How far such measures would be efficacious in producing a return to specie payments, he was unable to say; but it was as far as he would be willing to go at the present session. If they persisted in refusing to resume payments in specie, Congress must resort to measures of a deeper tone, which they had in their power.

The evil he desired to remedy, Mr. C. said, was a deep one; almost incurable, because connected with public opinion, over which banks have a great control; they have, in a great measure, a control over the press. For proof of which, he referred to the fact that the present wretched state of the circulating medium had scarcely been denounced by a single paper within the United States. The derangement of a circulating medium, he said, was a joint thrown out of its socket; let it remain for a short time in that state, and the sinews will be so knit that it cannot be replaced; apply the remedy soon, and it is an operation easy, though painful. The evil grows, whilst the resistance to it becomes weak; and, unless checked at once, will become irresistible. Mr. C. con-

cluded by observing, that he could have said much more on this important subject, but he knew how difficult it was to gain the attention of the House to long addresses.

Mr. RANDOLPH, in explaining an allusion which Mr. CALHOUN had made to a remark of his on a former occasion, said that he had listened to the honorable gentleman with pleasure; he was glad to see a cause so important in hands so able. He promised the honorable gentleman, though he might not agree in his mode of remedying the evil, he would go with him in the application of any adequate remedy to an evil which he regarded as most enormous.

TUESDAY, February 27.

National Bank.

The House went into Committee of the Whole on the Bank bill. Mr. SERGEANT's motion to reduce the proposed capital from thirty-five to twenty millions being under consideration—

Mr. SMITH, of Maryland, rose to express his views of the subject generally, as well as on the particular point under consideration. He appeared to coincide in opinion with Mr. CALHOUN, that the establishment of a Bank of the United States would contribute better than any other measure to the restoration of a general medium of circulation of uniform value. He was afraid that it was the only remedy. Perhaps he should not agree with the gentleman in some of his positions, particularly as respected the conduct and state of the banks. It might be prudent on the part of Congress, he remarked, to let down these institutions as gently as they could, and do every thing to enable them to meet their engagements by specie payments on some future day. With some modification of the plan proposed by this bill, he thought the establishment of a National Bank would effectually contribute to that object.

Mr. S. said he was not entirely satisfied with the plan of the bank proposed by the committee; but might not the plan be so modified as to meet the views of a large majority of the House? He could find but few gentlemen, he said, who, in conversation, did not appear favorable to the establishment of a bank. Some preferred a plan less complex than the present; some were hostile to the control of the Government in it, in which, perhaps, they were right. Others were hostile to Treasury notes forming any part of the capital; in which, Mr. S. said, he concurred. Where was the difficulty in yielding those minor points, for the sake of obtaining a general concurrence in favor of the bill? Other features were objected to—the power to authorize suspension of payments in specie, &c.—these he would also give up, rather than they should defeat the bill altogether. As to the question, when the specie payments of the bank should commence, Mr. S. said, according to the proposed mode of payment, it would not be very soon. To remedy this objection,

he proposed that, for the seven millions of Treasury notes to be paid in on account of the United States, there should be substituted a stock to be created for the purpose, bearing an interest of five per cent. per annum, which would leave a gain to the United States (the bank dividing eight per cent.) of three per cent. per annum on that amount; which would, by its accumulation and proper application, in the course of twenty years, absorb the whole of that stock, and operate as a bonus to the United States to that amount. He also showed, by calculation, that the United States, in this mode, by merely advancing their credit, might absorb twelve millions of the war debt; which he believed would be no unpalatable thing to the people, nor unwise in the Government. Further, Mr. S. said, he wished to see the bank go immediately into operation, that while he lived, he might derive some advantage from it. He would therefore wish to see the whole of the specie part of the stock paid in within a given number of months. With seven millions of dollars in its vaults, the bank would have neither fear nor trembling in commencing specie operations; they would have time to send their stock to Europe for sale, or to make such other arrangements as, in their opinion, might be proper. The specie thus paid in, would not drain the State banks, but would be imported, for the purpose, from Europe and elsewhere. In the mean time, he said, until all the specie payments were made to the bank, he did not think it would do any harm if the bank were to commence its operations without specie, but with an assurance in its charter, of payment in specie at a particular day. Such an assurance would make the bank notes equally good, in his eyes at least, as gold and silver. With these views of the subject, Mr. S. concluded his practical speech.

Mr. SERGEANT spoke as follows:

Mr. Chairman, the honorable member from Maryland (Mr. SMITH) has expressed his surprise that this motion should be made by a member from Pennsylvania, and still more that it should have been made by a member from Philadelphia, meaning, it would seem, to express his surprise that a member from Philadelphia should be willing to give up the great influence and advantage that city would derive from being the seat of such a bank. He (Mr. S.) should have supposed that gentleman had been long enough in public life to believe that a member of this House might sometimes lose sight of a personal or local advantage, when a measure of great national importance and concern is under consideration. So he considered the present bill.

He made this motion, he said, principally for two reasons: First, because it appeared to him, from the statements made by the chairman of the committee who reported the bill, that the capital proposed by the bill (thirty-five millions) is larger than is necessary; and, in the next place, to give gentlemen an opportunity fully to

explain their views on this very interesting subject. He held it to be a sound rule in legislation to abstain from acting until you are satisfied that what you are about to do is right. If you have doubts—if the effect of the measure proposed is involved in uncertainty—if you do not clearly see your way—it is wise to hesitate, to pause, and to consider. This subject, particularly, deserved the most deliberate and careful consideration. It was not, he said, an ordinary act of legislation which Congress might at their pleasure repeal, if upon trial it should be found inconvenient or mischievous, which would be constantly under their control from session to session, to modify, to alter, to abrogate. The proposed act of legislation was to continue in force for twenty years; there would be no power within that period to repeal it. It was, besides, to create a vast machine of incalculable force, the direction of whose momentum was to be placed in the hands of they knew not whom. Within a very few years past, a similar but less extensive question arose upon the application to renew the charter of the 1st Bank of the United States. It agitated the nation from one extreme to the other. The agitation was strongly felt in this House—the memory of it was too recent to be forgotten. By some of those who opposed the renewal, it was asserted that Congress had no constitutional power to grant a charter of incorporation to a bank; by others, that the powers of that corporation had been exercised in a manner that was unjust, oppressive, and dangerous to the people. Without at all yielding to either of these opinions, the impression of which could not be so soon worn out, he must be allowed to say that the mere fact of their having been very seriously and very generally inculcated, gave to the subject under consideration peculiar importance. If, as gentlemen then alleged, it was believed that great injury had been done by that bank, they, at least, ought to be very cautious in adopting the present plan, which had certainly, in every respect, a much more formidable aspect, and which was so little understood that the best informed and most intelligent of its advocates did not seem to agree even as to essential points. The two gentlemen who had discussed the matter, differed in some very important particulars; they did not even seem to agree whether it was to be, in effect, a specie bank or a paper bank. He protested, he said, most seriously against this sort of legislation, which proceeded without distinctly settling principles, and left every thing to hazard. He protested against establishing a great National Bank upon the apparent basis of specie, without something approaching to a certainty that it would be able to pay in specie, against its professing to pay specie, with a considerable risk of its being obliged in a short time to break its faith, and in that way aggravate the malady it was intended to cure. The question, he said, ought first to be decided, whether we were to have a specie bank or paper bank.

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That being decided, then proceed upon a plain, simple, intelligible plan, in conformity with the decision. The plan proposed was complicated and unintelligible. The capital was to be composed of United States stock, of Treasury notes, and a small proportion of specie. The specie was to be paid in instalments, and there could be no doubt that the bank would never receive from its subscribers a greater quantity of specie than the first instalment. With a nominal capital, then, of thirty-five millions of dollars, and so small a proportion of specie, with what greater propriety could it be called a specie bank, than the Bank of Pennsylvania, for instance? That bank, having a capital of two millions five hundred thousand dollars, possesses one million eight hundred thousand dollars of United States stock and upwards of four hundred thousand dollars in specie. Yet that was a bank that did not pay specie. He admitted that the Bank of Pennsylvania had discounted to a large amount, that it had large deposits, and that it had paper in circulation; in one word, that it was in full operation as a bank. But was not the proposed bank, if the bill then under discussion should become a law, to go into operation, and to go into operation upon the common principles of banking? Would not the stockholders and the directors be governed by what was termed "commercial instinct?" Would they not be desirous of making profit, and making dividends? Was there in this bill any peculiar restraint to prevent them from trading to excess? The obligation to pay in specie was no restriction, no effectual restriction, for the State banks were compellable by law to pay their notes with specie, and as far therefore as any legal restraints could guard them, they were safe.

When the Bank of the United States was established in 1791, the difficulties experienced, and which it was intended to aid in removing, were of an opposite character; the bank started with entirely different views. In 1791, the object was to increase the active or productive capital of the country, which was then deficient; there was not a sufficient circulation. The evil now complained of is an excess of circulation, and the remedy is to be the same in the one disease as in the other. The same remedy that was employed to increase a deficient circulation, is to be applied for reducing a circulation that is said to be excessive. There was a wide distinction between the evils that were then supposed to exist, and those now complained of. It is not very easy to see how the surcharged circulation is to be removed by throwing in the additional quantity of paper that is to be issued by this bank.

The late Bank of the United States went into operation with a capital of ten millions of dollars; it had but ten millions of capital through all the period of its existence. This capital, he presumed, was found to be sufficient. The present scheme proposed a capital of thirty-five millions, with a power to increase it to fifty

millions. So great an enlargement of capital, at so short a distance of time as four years from the expiration of the former charter, imposed it as a duty upon those who advocated the bill to show, distinctly, why so large a capital was necessary. Let us, said he, examine the data for a moment, that have been furnished by gentlemen who maintain its necessity. Our commercial transactions, says one, have increased in the proportion of five to one since the establishment of the Bank of the United States. Money, says another, is but of half the value it then was. Supposing both these statements to be correct, gentlemen had entirely lost sight of a most material consideration, which ought to enter into the estimate, and without which their estimate could not possibly be correct. In the year 1791, there were but three banks in the United States; their capitals did not altogether exceed three millions of dollars, and probably did not amount to so much. Now, there were stated to be two hundred and sixty-two banks, and their aggregate capital was said to exceed eighty millions of dollars. If, therefore, our trade had increased in the proportion of five to one, and money is but half the value, the bank capital of the country had increased in a still greater proportion; it was probably at this time more than twenty times as great as it was in 1791. It was perfectly evident, upon the gentleman's own grounds, that, for commercial purposes, no additional bank capital was necessary, much less such an enormous capital as was proposed by the bill. The amount of capital, indeed, was upon these grounds sufficient of itself to supersede all the State banks.

He repeated, there was nothing in the bill to save this bank from the same extremity of difficulty—from bankruptcy, if gentlemen choose so to term it, which the existing banks had endured. He did not mean, however, to join in unqualified censure of the State banks, much less did he mean to censure them for the loans which the Government, and the public sentiment had, in some instances, urged them to make, to a greater extent, perhaps, than they ought to have done, and which ought not to be indiscriminately attributed to interest and cupidity. Neither would he insist upon their adopting, at once, measures injurious to themselves, and to all who were in any way concerned with them. These institutions had become connected, very extensively, with the business and the interests of the community. There could be no pressure upon them, that would not press with still greater severity upon the people in a great variety of ways. Give them a reasonable time, he said, if they will not make a fair effort, then coerce them. But he was extremely unwilling to resort to a very doubtful experiment, which, if it did not succeed as you wished, would have a tendency to aggravate the evil.

If there was to be a bank at all, it was necessary first to decide, whether it is to be a specie bank, or a paper bank. If it is to be a

specie bank, he could not consent to any bill for that purpose, unless it contained such provisions as would afford a reasonable certainty that it would at all times be able to pay specie; not a mere bank of deposit, for at this time of day we could not expect men to embark in any thing so limited and unproductive; but if it is to commence its operations as a specie bank, and afterwards be obliged to suspend the payment of specie, when its notes shall have gone extensively into circulation, it will produce in a still greater degree, all the consequences, so strongly described, which have followed the suspension by the State institutions. I should very much prefer a plan more simple and intelligible. The basis of it should be, that the bank should enter into no engagements which there was a doubt of its ability to fulfil. A bank note in its usual form, imports an engagement to pay specie, and if the bank cannot or will not pay specie for it when demanded, the contract is violated. The bank should, therefore, be prohibited from issuing such notes to a greater amount than it actually possessed specie to pay. There should be no risk of breaking its faith. If it had but five millions of specie, notes should not be issued to a greater amount. But if a larger quantity of paper were necessary, it should be of a different form and character, importing upon the face of it no engagement to pay in specie; certificates of credit, for instance, receivable in payments to the bank and the Government; their final redemption secured by stock, or whatever else might be deemed an adequate security. Such paper, if it went into circulation, would go into circulation fairly, and with a perfect understanding of its nature. There would be no mistake about it, nor any danger of its dishonor. Every engagement would be complied with. Prior to the month of August, 1814, it was not supposed that the banks had not been conducted with prudence, according to the usual rules of banking; there was no depreciation of their paper; their notes were, in the ordinary acceptation of the term, specie notes. The very instant, however, a state of things arose to create alarm, or when, from whatever cause, their notes came in upon them in unusual quantities, they were unable to proceed in specie payments. This bank being put in operation upon the same principles, must run the same course, unless its managers should practise a degree of self-denial without example, and which it would be vain to expect. In every point of view, it appears to me, that if this bill is to pass, the capital of twenty millions will be amply sufficient for every purpose which the supporters of it have in view.

Mr. WARD, of Massachusetts, hoped the amendment would prevail. He acknowledged that, in the progressive state of this country, it was not very important whether the capital was thirty-five or twenty millions; the latter amount could be used with nearly as much effect for any mischievous purpose as the former; that sum would

be quite sufficient to influence the destinies of this nation. But he preferred the smaller sum, because he believed that amount large enough for every commercial purpose. During the existence of the old Bank of the United States, a period of very great commercial activity, that institution answered all the demands of the country; and he was confident that twenty millions now, in addition to the local capital, was enough. Mr. W. defended the Boston banks from the charge of deception, in promising to pay specie without doing so. They had not, he said, broken their faith to the public, and any man could there obtain specie whenever he presented one of their notes for payment. If this bank is to pay specie, said Mr. W., I admit that it will be very useful; but if it does not, its notes will be much below the value of Treasury notes, and will not answer any good purpose. He quoted the price of Treasury notes at different places, and detailed the reasons for their unequal value; and such, he said, would be the condition of the notes of a National Bank, unless bottomed and conducted on a specie capital. To expect a paper of unequal value to answer the purposes of a general medium, would be as bad, he said, as to expect pieces of cloth of different lengths to cover an equal space of ground in every part of the country. Mr. W. believed that nothing but mismanagement had caused the inequality in the value of Treasury notes. These notes were a common paper, emanating from the trustees of the people, to whom all the people were more or less indebted, and this paper could only have been depreciated by misconduct: which opinion he entered into some details to prove.

Mr. TUCKER said, that, before the question was taken, he would offer a few remarks on the propriety of rejecting the proposition of the gentleman from Pennsylvania, and of retaining the amount of capital which formed a constituent part of the plan of the committee that reported the bill. He would not enter into the general question at this time; he would waive all inquiries, for the present, into the constitutionality of the scheme, and into the policy of establishing an institution such as was in contemplation. By the amendment proposed, he considered it to be admitted that a bank was necessary, and that a considerable capital would be required to effect the important, the essential purposes which had induced the Committee of Finance to submit to the House a measure of so much magnitude, for their adoption. The question immediately before the House, and to which he should therefore strictly confine himself, is not whether this institution shall be erected, but whether the capital proposed be too great to accomplish its object.

In this inquiry, said Mr. T., I shall not dwell upon the danger of the bank as a great political engine, because I am inclined to believe with an honorable gentleman from Virginia, that, in this point of view, there is very little difference between a bank with a capital of twenty mil-

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tions, and one with a capital of thirty-five millions. If the bank can be used, and shall be used as an engine of oppression, the smaller sum would have little to recommend it in preference to the larger. We should scarcely discern the difference between the pressure of the two, distributed, as the capital must be, through all the States of the continent. If, then, gentlemen are averse to a bank with thirty-five millions of capital, because they conceive it dangerous to the liberties of the country, are they serious in declaring that they are in favor of such an institution with a capital of twenty millions? Have they shown any reason for the opinion that the latter will not be injurious, if the former will prove destructive; or are we to understand the proposition as indicative of a disposition hostile to the institution altogether, and not merely hostile to the bill before you, because of the exorbitant capital proposed? I hope not. Gentlemen assure us that they are favorable to the establishment of a bank with such a capital, and on such principles as are consistent with the general welfare, and I am willing to place all proper confidence in their sincerity. I must suppose, therefore, that they rest their objections to the amount of the capital on other grounds than that which has been suggested, since that would be equally fatal to every such institution, whose capital was at all calculated to effect the ends of the establishment.

The question as to the proper extent of the capital, must mainly depend on the result of an inquiry as to the probability of a bank of thirty-five millions carrying on its business profitably to the stockholders. If the proposed bank can readily find employment for the whole of the proposed capital, there can be no reason for diminishing it, with a view to the profits of those concerned. That such will be the case, must readily be admitted, when we refer to acknowledged facts, and apply them to the situation in which this institution will be placed. Of the amount of thirty-five millions, twenty-eight millions will consist of United States stock, carrying an interest of six per cent., and thus, of itself, affording employment for so much of the capital; the residue of seven millions, distributed throughout the Union, cannot fail to find employment. Facts within our knowledge furnish the best test on this subject. We have been told, in the course of the debate, that when the old Bank of the United States was established, there was only one other bank in existence whose capital did not exceed \$400,000. Since that time the number of banks has increased to upwards of two hundred and fifty, and the bank capital to more than eighty-two millions. Does not this fact prove the readiness with which bank capital can find employment among us? Does it not prove that, in this new country, which is every day opening to the population new occupations for capital—in agriculture, commerce, and manufactures—there is no difficulty in disposing of real or fic-

titious capital, in stimulating the active industry of the nation? Is it not, indeed, in strict conformity with the doctrines of all political economists, and with the experience of every practical man, that, in all new and growing countries, the great difficulty is not to find employment for capital, but to supply the demand for it? Is not our comparatively high interest itself an evidence that, notwithstanding the immense increase of capital, the demand has kept pace with the increase? If, as has been justly contended, the rate of interest is governed by the proportion between the demand for capital and the supply, the rate of interest here proves that capital has not yet equalled that proportion to the demand which exists in other countries. The argument, then, which has been advanced in debate, that we cannot require so large a capital, because that of Great Britain is not as great, is not entitled to much consideration, for the reasons I have mentioned. New countries always require greater capital, in proportion to their actual wealth and population, than old ones, because the field for its employment is always more extended in the former than in the latter. And if the question as to the expediency of establishing new banks, depended only on the probability of their finding employment for their capital, none could doubt the propriety of the measure. We have, indeed, on this subject, a test which rarely errs. Mercantile men are aware that additional capital can be employed in banking, with great advantage to the bankers. They form a class of our population which is proverbially said to understand its pecuniary interests, and to make accurate calculations of profit. These and others are everywhere engaged in the effort to establish new banks. In New York, as I have understood, it is contemplated to put into activity an additional bank capital of fourteen millions. In the State which I have the honor to represent, efforts have been lately made to establish fifteen new banks, with a capital, I presume, of about seven millions. Do not these things prove that there is a fair prospect of profit; and that, however we may differ as to the policy of increasing those establishments, there is no ground for supposing they will find difficulty in employing their capital? If so, I think we may reasonably suppose that the Bank of the United States (of whose capital twenty-eight millions will be at once actively employed) can readily find occupation for the residue.

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WEDNESDAY, February 28.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported the bill from the Senate "for the relief of Lieutenant Colonel William Lawrence, of the Army of the United States, and of the officers, non-commissioned officers, and privates, composing the garrison of Fort Bowyer, in the year 1814," without amendment; and the bill was ordered to be read a third time to-morrow.

National Bank.

The House went into Committee of the Whole on the Bank bill. Mr. SERGEANT's motion to reduce the proposed capital to twenty-five millions being yet under consideration.

Mr. WEBSTER first addressed the House. He regretted the manner in which this debate had been commenced on a detached feature of the bill, and not a question affecting the principle; and expressed his fears that a week or two would be lost in the discussion of this question, to no purpose, inasmuch as it might ultimately end in the rejection of this bill. He proceeded to reply to the arguments of the advocates of the bill. It was a mistaken idea, he said, which he had heard uttered on this subject, that we were about to reform the national currency. No nation had a better currency, he said, than the United States; there was no nation which had guarded its currency with more care; for the framers of the constitution, and those who enacted the early statutes on this subject, were hard-money men; they had felt, and therefore duly appreciated the evils of a paper medium; they therefore sedulously guarded the currency of the United States from debasement. The legal currency of the United States was gold and silver coin. This was a subject in regard to which Congress had run into no folly.

What, then, he asked, was the present evil? Having a perfectly sound national currency—and the Government have no power, in fact, to make any thing else current but gold and silver—there had grown up in different States a currency of paper issued by banks, setting out with the promises to pay gold and silver, which they had been wholly unable to redeem. The consequence was, that there was a mass of paper afloat, of perhaps fifty millions, which sustained no immediate relation to the legal currency of the country—a paper which will not enable any man to pay money he owes to his neighbor, or his debts to the Government. The banks had issued more money than they could redeem, and the evil was severely felt. Mr. W. declined occupying the time of the House to prove that there was a depreciation of the paper in circulation; the legal standard of value was gold and silver; the relation of paper to it proved its state, and the rate of its depreciation. Gold and silver currency, he said, was the law of the land at home, and the law of the world abroad; there could, in the present state of the world, be no other currency. In consequence of the immense paper issues having banished specie from circulation, the Government had been obliged, in direct violation of existing statutes, to receive the amount of their taxes in something which was not recognized by law as the money of the country, and which was, in fact, greatly depreciated. This was the evil.

As to the conduct of the banks, Mr. W. said he would not examine whether the great advances they had made to the Government during the war were right or wrong in them, or whether it was right or wrong in the Govern-

ment to accept them; but since the peace, he contended, their conduct had been wholly unjustifiable, as also had that of the Treasury in relation to them. It had been supposed the banks would have immediately sold out the stocks, with which they had no business, and have fulfilled their engagements; but public expectation had in this respect been disappointed. When this happened, Mr. W. continued, the Government ought, by the use of the means in its power, to have compelled the banks to return to their specie payments. In his opinion, Mr. W. said, any remedy now to be applied to this evil, must be applied to the depreciated mass of paper itself; it must be some measure which would give heat and life to this mortified mass of the body politic. The evil was not to be remedied by introducing a new paper circulation; there could be no such thing, he showed by a variety of illustrations, as two media in circulation, the one credited and the other discredited. All bank paper, he argued, derives its credit solely from its relation to gold and silver; and there was no remedy for the state of depreciation of the paper currency but the resumption of specie payments. If all the property of the United States was pledged for the redemption of these fifty millions of paper, it would not thereby be brought up to par; or, if it did, that would happen which had never yet happened in any other country. An issue of Treasury notes, he added, would have no better effect than the establishment of a new bank paper. He illustrated this general position by referring to a period anterior to the time of the reformation of the coin of England, when the existing coin had been much debased by clipping, &c., which had created much alarm. An attempt had been made to correct the currency thus vitiated, by throwing a quantity of sound coin into circulation with the debased; the result was, that the sound coin disappeared, was hoarded up, because more valuable than that of the same nominal value which was in general circulation.

The establishment of a National Bank not being in his opinion the proper remedy, he proceeded to examine what is. The solvency of the banks was not questioned. There could be no doubt, he said, if the banks would unite in the object, they might in three weeks resume the payment of specie, and render the adoption of any measure by this House wholly unnecessary. The banks, he said, were making extravagant profits out of the present state of things, which ought to be curtailed. He referred, for illustration of this point, to the state of the Bank of Pennsylvania, as exhibited in the return to the Legislature of that State, which with a capital of \$2,500,000 had done a discount business of \$4,188,000, at the same time that it held \$1,811,000 of United States stock; so that without taking into account a mass of Treasury notes, real estate, &c., that bank was receiving interest on six and a half millions—nearly three times the amount of its capital. This he con-

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sidered an extraordinary fact. That bank had been pronounced by the Legislature to be in "a flourishing state." It was so to the stockholders in the bank, he doubted not; but how was it to those who were affected by the depreciation of it—to the man who comes into an office for life, and relinquishes all his prospects and profits for a fixed salary, not to be diminished during his continuance in office; to the poor pensioner whose wounds received in his country's service are yet bleeding?

These banks not emanating from Congress, what engine were Congress to use for remedying the existing evil? Their only legitimate power, he said, was to interdict the paper of such banks as do not pay specie from being received at the custom-house. With a receipt of forty millions a year, Mr. W. said, if the Government was faithful to itself and to the interests of the people, they could control the evil; it was their duty to make the effort; they should have made it long ago, and they ought now to make it. The evil grows every day worse by indulgence. If Congress did not now make a stand, and stop the current whilst they might, would they, when the current grew stronger and stronger, hereafter do it? If this Congress should adjourn without attempting a remedy, he said, it would desert its duty.

If this bank were calculated to do good at all, Mr. W. contended, it was only as an agent of the revenue officers of the Government. As a bank establishment for ordinary banking purposes, what would be its operation? If this were to be a specie bank, it would go into operation at Philadelphia; would promise but little, but would perform all its promises; independent of its connection with the Government, it would not be able to get its notes into circulation; nobody would borrow of it; it would operate merely as a bank of deposit. All its transactions would be confined to the negotiation of paper for merchants, to enable them to anticipate for a short time so much of their income as was necessary to pay their bonds for duties on importations; and so far, but no farther, it would have a positive good operation. But, as a measure to supply a remedy for the disorders of our currency, Mr. W. argued, this bank would be of no efficacy; because, if he were not mistaken in his views, its bills would have but a very limited circulation.

As to the evil of the present state of things, Mr. W. admitted it in its fullest extent. If he was not mistaken, there were some millions in the Treasury of paper, which were nearly worthless, and were now wholly useless to the Government, by which an actual loss of considerable amount must certainly be sustained by the Treasury. This was an evil which, he said, ought to be met at once, because it would grow greater by indulgence. In the end, the taxes must be paid in the legal money of the country, and the sooner that was brought about the better. Such was the operation of the present state of the circulating medium, he proceeded

to show, that the duties laid by the United States were at a rate ten per cent. higher in Boston than in Baltimore, and in Baltimore higher than in Washington, &c. If Congress were to pass forty statutes on the subject, he said, they would not make the law more conclusive than it now was, that nothing should be received in payment of duties to the Government but specie; and yet, no regard was paid to the imperative injunctions of the law in this respect. The whole strength of the Government, he was of opinion, ought to be put forth to compel the payment of the duties and taxes to Government in the legal currency of the country.

In regard to the plan of this proposed bank, Mr. W. said he would consent to no bank which to all intents and purposes was not a specie bank; and in that view he was in favor of the proposed amendment. He expressed some alarm at the stock feature of the bank, which would enable and might induce the existing bank corporations to come forward and take up the whole stock of this National Bank. He should be glad to see a bank established, he observed, in the course of his remarks on this point, which would command the solid capital of the country. There were men, he said, of wealth and standing, who would embark their funds in a bank constituted on commercial specie principles, but who would not associate in such an institution with the stockholders in the country, any more than a good currency would associate with a bad one. A National Bank, he said, ought to be regarded, not as the power to rectify the present state of the currency, but as a means to aid the Government in the exercise of its power in this respect. He concluded his remarks, by saying that the power of the Government must be exercised in some way, and that speedily, or evils would result, the extent of which he would not attempt to describe.

Mr. CUTHBERT followed in opposition to the proposed amendment, though, he remarked, there were few of the positions of the gentleman from New Hampshire in which he did not concur, without agreeing, with him, however, in his results. In reply to his objection to the stock feature of the bank, as forming an obstacle to its paying specie, Mr. C. argued that it would have a contrary effect. Thus: that to become and remain a specie bank, the institution must be slow in its operations, and the directors and stockholders be content with small gains on their capital; that the interest they would draw, of six per cent. on the stock part of their capital, would aid them in this course, and induce them to be satisfied with less gains in the way of discounts, &c. In opposition to the proposal to reduce the capital of the bank, he took for his groundwork two facts which would not be questioned: First, that this is a growing nation in population, resources, wealth, and commerce. Secondly, that there is, from the nature of things, an absolute uncer-

tainty as to the quantity of capital which may be required, and the extent of the business which may be done by a National Bank. He argued, from these positions, that the bank ought to have the power of contracting or expanding itself to the wants of the country; and if the business of the country require a larger amount of discount that would be made on the twenty millions, that the operations of the bank ought not to be cramped. In this nation, growing in population, enterprise, and wealth, where all those uses of society which require active capital and a general circulating medium were every day rapidly multiplying and extending, he would not place narrow limits on the useful agency of this bank. He compared such a course to placing a case of iron on the swelling muscles and growing energies of a vigorous youth. It was much better, he concluded, to have a capital larger than necessary, than one much too small. Mr. C. next proceeded to examine the utility of a National Bank as compared with the State banks, in promoting exchanges, remittances, and transfers by Government and individuals. He stated their various operations in a plain and intelligible manner, and, from his facts on this subject, drew the conclusion that a National Bank only could efficaciously promote the exchange of moneys and commodities—that internal commerce which serves to knit together and fertilize every section of the country. A National Bank he compared to the ocean of commerce, which bears on its bosom the freight of all regions, from one to the other; the State banks to the rivers, which are the channels of communication within their particular, limited sphere. In reply to the argument that the evil of the redundancy, and depreciation of the present paper circulation would not be corrected by throwing other paper into circulation, he said that the National Bank, instead of increasing the quantum of paper, would substitute other paper in lieu of a portion of that now in circulation, and by this operation, the remainder would be brought up to a specie value. A further argument he urged in favor of a large capital was this: that a bank of twenty millions would issue as much paper as a bank of thirty-five millions, as the issue would be limited by the demands of society; but with a large capital there would be greater security to individuals. The difference between the two capitals would be the difference between two merchants carrying on the same commercial speculations, the one with a large, and the other with a small capital; the creditors of the first having undoubtedly better security than those of the last, &c. On these, and other grounds, Mr. C. opposed the amendment.

Mr. HOPKINSON addressed the Chair as follows:

Mr. Chairman: I came to this Congress strongly impressed with the expediency of establishing a National Bank, and with the conviction that it would certainly be done. I pre-

sumed that this impression was so general throughout the United States, that but little discussion would be necessary to attain the object. My personal feelings and dispositions were strongly in favor of the measure; and I believe the general, nay, almost the universal wishes of my immediate constituents, notwithstanding the insinuations about their interest in the State banks, were of the same kind. Not, sir, that I believe a National Bank absolutely indispensable to restore the distracted state of our currency, for I believe this may be effected by other means; but because I believe a bank established on fair and proper principles, would be a powerful agent in producing this most desirable reformation; because it would afford many essential accommodations to the administration of our revenue, and be, at the same time, of general utility to the community. Under these impressions, I had trusted that some scheme would have been presented to us, plainly calculated to answer these desirable ends, entirely free from known and important objections, and framed on principles not likely to excite discontent and opposition in those, at least, who favor the general design. At the last session of Congress, the subject was examined and discussed with great minuteness; theories of various kinds were proposed, examined, and rejected; new projects were weighed, and found wanting. After all these fruitless attempts to find something new and better than the past, I hoped we should now have abandoned such endeavors, and turned our sober attention to the lessons of experience to be found in the construction and conduct of the late Bank of the United States. No public institution ever conducted its affairs with more general and deserved satisfaction, or closed them with more integrity and honor. Taking this for our guide, with such enlargements and alterations as the changes that have taken place in the condition of the country would point out and require, we might have erected a fabric unexceptionable to every man not hostile to every and any establishment of the kind. This course, however, has not been pursued. We have a system proposed to us abounding with new ingredients, many of which are known to be absolutely inadmissible in the judgment of many of the best friends of a National Bank. To me this is, truly, a serious disappointment, and I am sincerely sorry it is not in my power to give my feeble support to the plan offered. I do not propose, at this time, to take a general view of the whole system; and regret that it comes before us in detached parts. It would have been much more satisfactory to have examined the whole together, and seen how the various parts bear upon each other. The question now, however, is on the motion for reducing the capital from thirty-five to twenty millions. To this question, and such matters as have been connected with it by those who have opposed the motion, I shall confine my observations.

The question now for consideration is the

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amount of capital proper for a National Bank, supposing every thing else in the bill to be as it should be. I regret that the examination of the scheme must be made in detached parts—a general view of the whole would have been much more satisfactory, even for the fair estimate and understanding of each particular provision. I shall, however, confine my remarks to the precise question. The honorable Chairman, by whom this bill was reported, has portrayed, in powerful and appropriate colors, the extent and pressure of the evils under which the country labors, in consequence of the distracted state of its currency. He has not been so full and explicit in showing how the remedy he proposes is to meet and remove the disease; reserving himself, probably, on this head, until the provisions of this bill shall come under examination—this, however, is really the important inquiry now. In confining my remarks to the proposed amount of capital, I would not be understood to mean that there are not other provisions in the bill much more exceptionable in my opinion than this, and to which I shall offer my objections as they arise. One honorable gentleman has said, that he cannot discern any difference between having the capital at twenty or thirty-five millions. Does he see any difference between thirty-five and fifty; or between fifty and a hundred, and so on? If the amount of the capital of a bank is a mere nominal, unimportant feature in its character and operations, then, indeed, it is useless to dispute about it; but if the difference between any two sums is of importance, it must be found between the sums of twenty and thirty-five millions. Without adverting to the diminution of profits by the extent of the capital, which is a matter for the subscribers and stockholders to look to; is it not indisputable, that the power of a bank over similar institutions, and generally over the moneyed concerns of a country, depends much on the strength of its capital? The extent of its business; the amount of its issues; its power to do good, and its power to do mischief; its means to monopolize, to oppress, to ruin, are all regulated, in a great degree, by the capital, and influence, and interest which it commands. It is so in other affairs as well as banks; great capitalists, in commerce, in manufactures, in every thing, overshadow and overpower smaller ones, and drive them out of the market; though with equal honesty and equal industry. Are not our manufacturers this moment complaining they cannot stand against the great manufacturing capitalists of Great Britain, and praying for assistance and support in the unequal contest? The capital of this bank, therefore, especially if the whole machine is to be wielded by the arm of the Government, is of great importance, and ought to be fixed with great caution and deliberation. Just so much should be afforded as is consistent with its fair, legitimate objects; and not inconsistent with other interests in the community entitled to our protection and regard. What are the circum-

stances and considerations to which we should appeal in deciding this question? We should look, sir, to the uses expected from this bank; the object to be attained by its establishment; and grant a capital sufficient for those uses and objects, and no more. In the nature of the thing, no very exact rule or measure can be obtained; but a very fair and reasonable estimate may be made. Let me ask, then, what are the objects we have in view in establishing a National Bank? To accommodate the Government in the business of its revenue, and to afford to the community the usual benefits of such institutions. It is also presumed that a National Bank will have the power of regulating and equalizing our currency in the different States. This, however, is a matter distinct from the question of capital. We come then directly to the real question: Is a capital of thirty-five millions necessary, either for the accommodation of the Government or the business of the community? I hold it, sir, to be clear that the Government can lawfully require of us a National Bank for no other purposes than as an instrument of finance; a necessary accommodation in collecting and disbursing revenue, receiving and paying debts, and facilitating loans. Beyond this the constitution does not warrant it; nor have the friends of the old bank ever contended for any thing beyond this. If a bank is to be raised as an instrument of power in the hands of our rulers, of whatever party denomination; if it is to be a source of speculation and profit; a field for the exercise of patronage and appointment, it is a direct and dangerous violation of the constitution. With such objects the Government have nothing to do; nor should it have any connection with a bank, or derive any advantage from it merely and solely as an instrument of finance. If, indeed, other benefits flow incidentally and necessarily from it, they may not be rejected; but they should form no part of the original design, nor should any measure or principle be introduced into the system for the direct purpose of obtaining such objects. It is true that the Government subscribed a fifth part of the stock of the late bank; but it should be remembered, that this was deemed necessary not only to create a necessary confidence in the institution with the public, which was then much more shy of banks than it has since been, but also to furnish the amount of capital required; which probably could not have been done without this aid from the Government, the wealth of the country being then inconsiderable in proportion to its present amount.

Mr. SHARPE next addressed the Chair on this subject, expressing in the outset his regret that the attack on this bank had been on its details, instead of its principle. Mr. S. explained his views of the difference between the aspect of this question at this time, and that which it presented at the last winter, when it had been so long fruitlessly agitated. The principal object of the advocates of a National Bank at the

last session, was to afford to the Government the facility of obtaining occasional loans to carry on the operations of the Government, &c., and to sustain the public credit; the object at present was of a different character—to remedy the evil of a vitiated currency, which had lately been much exaggerated, and which demanded a remedy. Mr. S. here examined the operation of this depreciation on the revenues of Government, which, he clearly showed, were most injuriously affected by it. The Government sustained a clear loss of large amount—a loss which must be made up by taxes levied on the industry and labor of the community; and who gained by it? Those whose duty it is to remedy the evil. It is the owners of bank stock who derive the benefit from the depreciation of their own paper. All acknowledged the extent of the evil, and the necessity of a remedy, though they differed as to the nature of the remedy.

In reply to the argument of Mr. WEBSTER, that the remedy for the evil was in the power of the Secretary of the Treasury, by requiring payment of the dues to Government in specie, Mr. S. said the gentlemen had not demonstrated that there was specie enough in the country for the purposes of the payment of the revenue to the Treasury, nor that the banks have not the means ultimately to force the Treasury to take their paper in payments to the Government. The disposition was not wanting in the officer at the head of that Department to apply the remedy, if it were in his power; but, Mr. S. said, an act of Congress could apply an adequate remedy. If that now proposed was the proper measure, let it be adopted; if a better can be proposed, let it be shown. He was not, he added, so opinionated as to assert that this was the only remedy; but a National Bank was a measure tried and understood, and he therefore preferred it; if it should not succeed, he would support any other measure adequate to the object in view.

In reply to Mr. HOPKINSON's reference to the old Bank of the United States, as an institution, whose wisdom had been tested by experience, Mr. S. said he could not see the force of the wide distinction the gentleman had drawn between the plan of that bank and of this. He compared these features, and showed that their dissimilarity was not such as to change their principle. This, he said, was intended to be a specie bank, gradually put in operation, and by its business, connected with the measures of the Government, to introduce a general resumption of specie payments and circulation. In regard to the State banking institutions, Mr. S. avowed as strong an attachment to their interest and prosperity as the gentleman from Pennsylvania; but his attachment to them as individuals must be regulated by the correctness of their conduct. If they abandoned the path of probity and duty, he must renounce his attachment to them unless they showed a disposition to return to it. In regard to the means

alleged to have been employed to obtain loans from these banks, when they yielded to the solicitations of the Treasury, Mr. S. said, they took care to get the best bargain they could out of its necessities; in addition to the just interest of six per cent. they got a premium of somewhere about twenty per cent. for their friendly loans to the Government. To prove that they had made a good business of it, he said there was not one of those banks but could account its stock for specie, and make a handsome profit on the whole transaction, besides the advantages they have already derived; but, he said, they did not want to do it; they had rather keep their stock bearing interest, and issue paper on it, &c.

As to the idea of danger to the Government from a bank of thirty-five millions, he said it was fanciful. How far could a bank be dangerous to the Government? When banking was a monopoly in the hands of a Government, or of a few individuals; and then only. Competition, he said, destroyed monopoly, and destroyed the danger from such an institution; and it could not be argued that there was not now competition enough to deprive such an institution as this of the character of an engine dangerous to the liberties of the country. A bank, he said, might be more profitable to the stockholders with a capital of twenty millions; but it would be more useful to the community with a larger capital, &c. Having offered these and other views of the subject, he concluded by expressing his hope that this bill would pass with very little alteration of its present provisions.

The question on reducing the capital to twenty millions was finally taken, and decided in the negative—yeas 49, nays 74. The committee then rose, and the House adjourned.

TUESDAY, Feb. 29.

The National Bank.

The House then again resolved itself into a Committee of the Whole on the National Bank.

On motion of Mr. CADY, with the assent of Mr. CALHOUN, the bill was amended by striking out so much thereof as gives to Congress the privilege, hereafter, of extending the capital of the bank from *thirty-five to fifty* millions.

Mr. CADY moved to amend the bill by striking out so much thereof as authorizes a subscription by the Government of seven millions to the capital stock of the bank, and supported his motion by a number of observations. He contended that no advantage would accrue to the United States from the possession of this interest in the Bank. The money to pay for this stock, he said, would cost the United States more than any profit they could derive from it—that is, by the expense attending its collection; all the funds of the Government accruing sooner or later from taxation on the people; and would, besides, render necessary the imposition of additional taxes to meet it. It would be like a

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individual's taking up money at 18 per cent. (which he estimated as the cost of collection, &c.) to put into this bank. The seven millions of money, he added, would contribute more to the wealth and improvement of the country—would produce in the end a better interest to the United States, by suffering it to remain in the hands of the people—than it could possibly do by being invested in the stock of this bank.

Mr. CALHOUN opposed the motion, so decidedly, that he said he should consider the success of it as tantamount to a decision to strike out the first section of the bill. He showed by his statement of the operation of vesting this stock in the bank, (which by the bill is to be done in certain annual proportions,) that there would be a clear gain to the Government of at least two per cent. per annum—being the difference between the interest the Government pays on the stock and the interest it would receive on its bank shares.

Mr. RANDOLPH supported the motion, and availed himself of the occasion of his rising to enter largely into the subject, in a speech of considerable length. His general views follow: He said he should vote for this motion, because one of his chief objections—one of them, he repeated—was the concern which it was proposed to give to the United States in this bank. He referred to the sale by the Secretary of the Treasury, some years ago, of the shares belonging to the Bank of the United States, and stated the reasons of his approving that step; but, he added, that it was a strong argument against the feature of the bank bill, now under discussion, that, whenever there should be in this country a necessitous and profligate administration of the Government, that bank stock would be laid hold of by the first *Squanderfeld* at the head of the Treasury, as the means of filling its empty coffers. But, if there was no objection to this feature stronger than that it would afford provision for the first rainy day, it might not be considered so very important. He argued, however, that it was eternally true, that nothing but the precious metals, or paper bottomed on them, could answer as the currency of any nation or any age, notwithstanding the fanciful theories that great payments could only be made by credits and paper. How, he asked, on this point, were the mighty armies of the ancient world paid off? Certainly not in paper or bank credits. He expressed his fears lest gentlemen had got some of their ideas on these subjects from the wretched pamphlets under which the British and American press had groaned on the subject of a circulating medium. He said he had himself once turned projector, and sketched the plan of a bank, of which it was a feature that the Government should have a concern in it; but he became convinced of the fallacy of his views; he found his project would not answer. His objection to the agency of the Government in a bank was therefore, he said, of no recent date, but one long since formed. The objection was vital; that it would be an engine of irresistible

power in the hands of any Administration; that it would be in politics and finance what the celebrated proposition of Archimedes was in physics—a place, the fulcrum from which, at the will of the Executive, the whole nation could be hurled to destruction, or managed in any way, at his will and discretion.

This bill, in the view of Mr. R., presented two distinct questions: the one frigidly and rigorously a mere matter of calculation; the other, involving some very important political considerations. In regard to the present depreciation of paper, he did not appear to agree with those who thought the establishment of the National Bank would not aid in the reformation of it. If he were to go into the causes which produced the present state of things, he said, he should never end. As to the share the banks themselves had in producing it, he regarded the dividends they had made, since its commencement, as conclusive proof. The present time, Mr. R. went on to remark, was in his view one of the most disastrous he had ever witnessed in the Republic, and this bill proved it. The proposal to establish this great bank he described as a crutch, and, as far as he understood it, it was a broken one: it would tend, instead of remedying the evil, to aggravate it. The evil of the times, he said, was a spirit engendered in this Republic, fatal to Republican principles, fatal to Republican virtue; a spirit to live by any means but those of honest industry; a spirit of profusion—in other words, the spirit of Catiline himself, *alieni avidus, sui profusus*—a spirit of expediency, not only in public but private life; the system of Diddler in the farce, living any way and well—wearing an expensive coat, and drinking the finest wines, at any body's expense. This bank, he imagined (he was far from ascribing to the gentleman from South Carolina any such views) was to a certain extent a modification of the same system. Connected, at it was to be, with the Government, whenever it went into operation, a scene would be exhibited on the great theatre of the United States, at the contemplation of which he shuddered. If we mean to transmit our institutions unimpaired to posterity, if some now living wish to continue to live under the same institutions by which they are now ruled—and, with all its evils, real or imaginary, he presumed no man would question that we live under the easiest Government on the globe—we must put bounds to the spirit which seeks wealth by every path but the plain and regular path of honest industry and honest fame. This was one of the grounds on which he was hostile to this bill.

Alluding to Mr. WEBSTER's observation respecting the laws fixing the currency of the United States, he said it was very true they were clear and peremptory in their provisions. If the existing laws did not compel men to pay their debts, the establishment of a bank would not. Let us not disguise the fact, said he, pursuing his remarks on what he described as the evil of the times; we think we are living in

the better times of the Republic, we deceive ourselves; we are almost in the days of Sylla and Marius; yes, we have almost got down to the time of Jugurtha. It was unpleasant, he said, to put one's self in array against a great leading interest in a community, be they a knot of land speculators, paper jobbers, or what not; but, he said, every man you meet in this House or out of it, with some rare exceptions, which only served to prove the rule, was either a stockholder, president, cashier, clerk, or door-keeper, runner, engraver, paper-maker, or mechanic in some other way to a bank. The gentleman from Pennsylvania, he said, might dismiss his fears for the State banks, with their one hundred and seventy millions of paper on eighty-two millions of capital. However great the evil of their conduct might be, he asked, in the course of his illustrations, who was to bell the cat—who was to take the bull by the horns? You might as well attack Gibraltar with a pocket pistol as to attempt to punish them. There were very few, he said, who dared to speak truth to this mammoth; the banks were so linked together with the business of the world, that there were very few men exempt from their influence. The true secret is, said he, the banks are creditors as well as debtors; and if we were merely debtors to them for the paper in our pockets, they would soon, like Morris and Nicholson, go to jail (figuratively speaking) for having issued more paper than they were able to pay when presented to them. A man had their note, he said, for fifty dollars perhaps in his pocket, for which he wants fifty Spanish milled dollars; but they have his note for five thousand in their possession, and laugh at his demand. We are tied hand and foot, Mr. R. said, and bound to conciliate this great mammoth, which is set up to worship in this Christian land—we are bound to propitiate it, &c. Thus, he said, whilst our Government denounces hierarchy, will permit no privileged order for conducting the service of the only true God, whilst it denounces nobility, &c., has a privileged order of new men grown up, the pressure of whose foot he at this moment felt on his neck. If any thing could reconcile him to this monstrous alliance between the bank and the Government, he could, if the object could be attained of compelling these banks to fulfil their engagements, almost find in his heart to go with the gentleman in voting for it.

Mr. R. proceeded to a minute examination of the state of the paper currency, and its various phases, recently and in earlier times. The stuff uttered on all hands, and absolutely got by rote by the haberdashers' boys behind the counters in the shops, that the paper now in circulation would buy any thing you want as well as gold and silver, was answered, he said, by saying, that you want to buy silver with it. He examined, in detail, the present mode of banking, which, he said, goes to demoralize society; it was as much swindling to issue notes with intent not to pay, as it was burglary to break

open a house. If they were unable to pay, the banks were bankrupts; if able to pay, and would not, they were fraudulent bankrupts, &c. But, he said, a man might as well go to Constantinople to preach Christianity, as to get up here and preach against banks. He despaired, he said, almost, of remedying the evil they cause, when he saw so many men of respectability directors, stockholders, debtors of the banks. To pass this bill, he said, would be like getting rid of the rats by setting fire to the house; whether any other remedy could be devised, he did not now undertake to pronounce. The banks, he said, had lost all shame, and exemplified a beautiful and very just observation of one of the finest writers, that men banded together in a common cause, will collectively do that at which every individual of the combination would spurn. This observation had been applied to the enormities committed and connived at by the British East India Company, and would equally apply to the modern system of banking; but still more to the spirit of party, &c., on which Mr. R. digressed at some length.

He then resumed the consideration of the history of bank paper in this country, and stated the fact that, not many years ago, the New England paper had been at almost as great a discount here, as the paper of this part of the country now was there; and that even in New England the notes of some of the banks were not current within their own States, except at a discount. As to establishing this bank to prevent a variation in the rate of exchange of bank paper, he said, you might as well expect to prevent a variation of the wind; you might, said he, as well pass an act of Congress (for which if it would be of any effect he should certainly vote) to prevent the northwest wind from blowing in our teeth as we go from the House to our lodgings. After a minute discussion of the causes and rates of the difference of exchange in the paper of various banks, Mr. R. concluded his remarks by pledging himself to agree to any adequate means to cure the great evil, that were consistent with the administration of the Government, in such a manner as to conduce to the happiness of the people, and the reformation of the public morals.

FRIDAY, March 1.

District of Columbia—Digging up the Capitol Grounds—Suppression of Private Bank Notes.

On motion of Mr. GOLDSBOROUGH—

Resolved, That the Committee on the District of Columbia be instructed to inquire by what authority and for what object the digging of the ground on Capitol Square has been commenced, and into the propriety of putting a stop to it.

[Mr. G. had reference in his resolution to some operations commenced on the public square for making bricks.]

After some remarks to show the great evils resulting to the community from the influx of unauthorized notes purporting to be issued by

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banks which no one knew, and which in some cases were palpable frauds, unsupported by any ability to pay them, Mr. G. moved the following resolution, which was agreed to:

Resolved, That the committee appointed to inquire into the state of the several banks in the District of Columbia, be instructed to inquire into the expediency of prohibiting, within the said district, the circulation of notes issued by any private banking association, whether existing within the District or elsewhere, and of restraining the formation of such private banking associations in future.

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Mr. RANDOLPH then rose, and said that it was his purpose to move for instructions to the committee of the said District upon a subject of infinitely more importance in every point of view than those to which Mr. GOLDSBOROUGH had adverted. He expressed a wish that some other gentleman had undertaken the business; but as no one had thought proper to awaken the House to a sense of their concern in it, or to point the finger of scorn at it, he would take upon him the office to do it, and to call upon the House to put a stop to proceedings at that moment carried on under their very noses; proceedings that were a crying sin before God and man; a practice which, he said, was not surpassed for abomination in any part of the earth; for in no part of it, not even excepting the rivers on the coast of Africa, was there so great and so infamous a slave market as in the metropolis, in the very Seat of Government of this nation, which prided itself on freedom. Before he proceeded further, he fenced himself in against all suspicion of unduly interfering in the very delicate subject of the relation between the slave and his owner, and to that end he reminded the House, that where a bill was brought in some years before to prevent the prosecution of the African slave trade, he had voted against it, because it professed a principle against which it was the duty of every man of the southern or slaveholding States to set his face; for it assumed a prerogative to interfere in the right of property between the master and his slave. On account of that opposition he had been calumniously and falsely held up as one of the advocates of the most nefarious, the most disgraceful, and most infernal traffic that has ever stained the annals of the human race. Upon another occasion, too, when a member of that House had taken upon him the lien between slave and master, he had raised his voice against him. He had never directly or indirectly acquiesced in the weak and wailing plans of those who, by way of relieving the unfortunate African, would throw the States into danger; he would never weaken the form of the contract between the owner and his slave, and he would never deny that the citizens of other States coming into the slaveholding States, might exercise the right of ownership over the slaves they might purchase; but it was not necessary to that exercise that this city should

be made a depot of slaves, who were bought either from cruel masters or kidnapped; and of those who were kidnapped, he said there were two kinds—slaves stolen from their masters, and free persons stolen, as he might say, from themselves. It was not necessary that we should have, here in the very streets of our new metropolis, a depot for this nefarious traffic—in comparison with which the traffic from Africa to Charleston or Jamaica was mercy, was virtue. Indeed, there could be no comparison rationally instituted between taking those savages from their native wilds, and tearing the civilized, informed negro, habituated to cultivated life, from his master, his friends, his wife, his children, or his parents. As to the right of passing through the place, as ordinary occasions might require, it was unquestionable; but there was a great difference between that and making the district a depot for a systematic slave market—an assemblage of prisons where the unfortunate beings, reluctant, no doubt, to be torn from their connections, and the affections of their lives, were incarcerated and chained down, and thence driven in fetters like beasts, to be paid for like cattle. Mr. R. therefore moved that the Committee of the District of Columbia should be instructed to inquire into the inhuman and illegal traffic in slaves carried on in the District, and to devise some speedy means to put a stop to it.

Mr. TUCKER (chairman of that committee) suggested that it would be better to have it referred to the committee some time since appointed to form a system of laws for the District.

Mr. RANDOLPH expressed his regret that the honorable gentleman seemed disposed to decline the task, and offered himself to take his share in the enterprise. The object of the resolution, he said, was a more coercive police. He knew that the demands for cotton, tobacco, and latterly of sugar, created a demand for slaves, and we had a description of people here like those described by Mungo Park, (only that they are not so humane or so honest,) white traders, who make this their depot, and sell human beings; and to verify this charge, and show the audacious villainy of their proceedings, he dwelt upon these words of an advertisement of a sale of negroes—“*No objection to TRADERS bidding.*” The increase in the price was the temptation for which their base, hard-hearted masters sold out of their families the negroes who had been raised among them. That very day he had heard a horrible fact from a respectable gentleman as he came to the House, which he would relate. A poor negro, by hard work and saving of his allowances, had laid by money enough to buy the freedom of his wife and child, and had put it from time to time into the hands of his master, but the poor fellow died. The transaction was an affair of honor with the master, and the day after the poor fellow's death, the woman and child were sold. One fact like this spoke volumes. He repeated, that if the honorable chair-

man of the Committee of the District of Columbia refused to take upon him the inquiry into this rank offence, he (Mr. R.) would himself be among these people. He declared that he was lately mortified at being told by a foreigner of high rank, "You call this the land of liberty, and every day that passes things are done in it at which the despotisms of Europe would be horrorstruck and disgusted."

Mr. WRIGHT said the laws were sufficient to take cognizance of this business, and said that there was worse slavery practised in Europe, [alluding to pressing in the navy of England.]

Mr. GOLDSBOROUGH expressed his satisfaction at this affair being brought before the House. He had himself more than once met more than a dozen of those unhappy wretches marching in droves through the street. He met them even in the avenue, and it was a notorious fact that this was the channel of transmission for them. Speaking of laws was useless. When the evils were seen to exist, and were not prevented, it was a proof that the laws were of no value, or were not executed.

Mr. HOPKINSON had no idea of Congress taking such care about matters of inferior consideration, while such flagitious, and, to the nation, disgraceful deeds of guilt were suffered to be perpetrated under its very eye, and with its knowledge. He suggested that as Mr. RANDOLPH had, to his own great honor, offered his co-operation, it would be best to appoint a select committee for the purpose, and moved for one accordingly.

Mr. TUCKER declared that the honorable gentleman (Mr. R.) had misunderstood him, and that he was no less willing than himself to co-operate in the measure, and concurred in Mr. HOPKINSON's opinion, that a select committee would be best.

The resolution passed is as follows:

Resolved, That a committee be appointed to inquire into the existence of an inhuman and illegal traffic in slaves carried on in and through the District of Columbia, and to report whether any, and what, measures are necessary for putting a stop to the same.

Messrs. RANDOLPH, HOPKINSON, GOLDSBOROUGH, MAYRANT, and KERR, were appointed the said committee.

MONDAY, March 4.

Traffic in Slaves in the District of Columbia.

Mr. RANDOLPH, on the part of the committee appointed to inquire into the illegal traffic of slaves carried on through this District, asked and obtained authority to send for persons and papers relative to the inquiry.

Compensation of Members, &c.

Mr. JOHNSON, of Kentucky, said he considered it his duty to make a proposition to the House, the object of which was the dispatch of public business, a more punctual attendance of the members of Congress to their duty, and to shorten the sessions of Congress, by changing

the compensation of the members from six dollars per day into a gross sum for each session, and by other regulations connected with the subject, having the same tendency; and to deduct the compensation of members in proportion to their absence from the House during the session. The public business has been so protracted, that at the close of three months no member could yet see, with any certainty, the termination of the session. This delay may be ascribed to a variety of causes; such as the accumulation of business after a war; the variety of sentiment on every subject; but to no cause could we ascribe so much the delay of business, as to the constant and never-ending debate on every subject that came before Congress for decision. On subjects of importance, difficulty, and complication, discussion was necessary and proper; and on such occasions it should always be indulged, without restraint, until the subject was thoroughly understood. In speaking of the proceedings of the House, he did not wish to be considered as casting censure upon any member; he spoke of the House as a body; he spoke of evils which were apparent to all, and it was the duty of all to put an end to them. He could speak more freely of the necessity of reform in the proceedings of the House, because he did not pretend to inculpate himself less than others; on minor subjects, on detail as to phraseology, and all amendments to bills and reports, it was the bounden duty of members to have confidence in each other, and not presume any to be unprepared to act. On the contrary, it should be admitted, as a matter of fact, that each member could judge for himself, and correctly, upon hearing the proposition made; and if any difficulty should exist as to matters of fact, a single inquiry of those whose duty it had been to examine them, would be all that should be required, in the way of conversation, and not in set speeches. In any such case it would be a poor compliment to the capacity or attention of any member to suppose tedious examination necessary. Indeed, we are very much mistaken if we presume that the silent members of the House (and they compose a majority) think less than those who speak most. Those who said but little were generally masters of the subject, understanding the principles and the details of a bill before it was acted upon. The House had adopted a rule that no member should speak more than twice on the same question. It was easy to evade the rule, by varying the question, and, indeed, the rule was nominal, for leave was always granted, when asked. The cry for the question was a kind of disorder that had no influence, because it was the duty of the Speaker, at all times, to suppress it, if a member was on the floor speaking. The inattention of the House to members speaking, had no greater influence, as it was not uncommon to see an interesting speaker occupying the floor, with an able speech, with a half dozen friends around him, listening more out of courtesy than a desire to have any doubts removed in relation to the subject. It is

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well known to the House that for several years past, particularly during the war, there was a universal disgust, clamor, and censure throughout the nation at our much talking and little action. The people had much reason on their side in this disgust, but they were not exactly acquainted with all the difficulties we had to encounter. It is, however, high time that Congress should be redeemed from imputations which have lessened very much the confidence of the people. It is also well known that daily and hourly we hear the entreaties of claimants, urging us to act upon their petition, until the applicants in many cases have to return home upon the bounty of friends, and continue to attend Congress many years, without a decision of their cases; and in most instances their claims were of the most meritorious character. To these inducements, Mr. J. said, a rule existed, known by the name of the previous question—a rule which would never be enforced but in the most extreme necessity; but, if it could be enforced, it would be effectual. But even in war, when we had such strong reason for it, very few members could be brought even to call it, and, when demanded, very seldom supported by the House; and, if supported there, certain members to whom the rule was obnoxious, would call the ayes and noes, and put every obstacle in the way of progressing. From the experience of the House on this subject, all would agree that the previous question, however proper to be in the hands of a majority of the House, was a dead letter in time of peace. There must be some remedy for this evil, and what is so effectual as to give a gross sum of money by which members will be made attentive to business, and not adjourn any day at four o'clock, when such a course of conduct would be to deprive them of an adequate compensation, &c.; on the other hand, to take away the imputation on members of remaining in session for the per diem; and it will hold out the inducement of a higher reward, in proportion to the industry of the House. Without this remedy Congress would, after a while, have to sit all the year, which would ultimately drive every man from Congress whose time was valuable to himself and family, and who was not wealthy enough to make such a sacrifice of time. In a few years, riches and not patriotism would rule the nation; whatever we have, let it be by the session and not by the day. We can do in three months what we fail to do in ten under the present arrangement. As soon as the Spring opens what do we witness? The farmer wishes to return to his family and farm; the mechanic to his shop; the lawyer to his courts; applications are daily made for leave of absence, until we are left with a bare quorum, and sometimes not that; we have to send for members, and those who stay are injured, and some ruined, and ultimately quit Congress from necessity.

The session should be reduced to three, and not extended to six months. In such a case its sacrifice would not be so great. If inquiry

should be made in this stage of the business, what compensation should be given as a gross sum of money to each member, the answer would be easy: such a compensation as will not cost the United States one cent more, but by our industry might be more to us; give a member of Congress what you give to your Doorkeeper, your Sergeant-at-Arms, and it will be better than the present system. Nothing extravagant, nothing prodigal; a compensation received by a good clerk in one of the departments would be sufficient: give what we may, the compensation should be in a gross sum, and not a compensation by the day. Mr. J. said the effect of this change would produce three results: 1st. It would lessen the duration of the session; 2d. It would give the members greater compensation if they acted with industry; 3d. It would save money to the nation, by lessening the contingent expenses of the House in fuel, stationery, and attendance, which was now very great. But it may be asked, should a gross sum operate upon members of Congress to be more industrious, as it would upon the day laborer, and he who worked by the job? Mr. J. said he had no doubt on the subject, and it was no disgrace to the members to say that they could be operated upon like other men. In a Government like ours, we should avoid extravagance, so we should extreme parsimony. In relation to the Representatives of a free people, he thought they should be actuated from patriotic, and not sordid motives; and a reasonable compensation was all they should have. But a member of Congress who represents thirty-five thousand free men would feel himself degraded, and so would the people, if such was the reward as to drive from Congress all but the rich and the favored few. Mr. J. then moved the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of changing the present mode of compensation to the members of Congress into a gross sum for each session; and to report such other provisions as may have a tendency to the despatch of public business, and to compel the punctual attendance of members of Congress during the session.

Mr. RANDOLPH expressed his hope the resolve would be adopted, and carried into complete effect. In moving it, he said, the gentleman from Kentucky had acted with a manliness which became his character; with a frankness and independence which deserves not only the thanks of this body, but the approbation of the nation. The situation in which members of Congress were placed, growing out of the manner in which they were compensated for their public services, was, he said, disgraceful to them individually, as well as a great public detriment. Was it wonderful, he asked, that they should be considered by the people at large in the light of day laborers, who work here for something less than a dollar an hour; for something more perhaps than you have to pay a man for sawing wood! He premised, with a solemn assurance of his sincerity in the declaration,

that his opinion was now, and always had been, that the members of this and the other branch of the Government ought to receive no pay at all. This, he said, he knew to be an unpopular sentiment, but he sincerely entertained it. But, if the members were to receive pay, he would have them paid like gentlemen; because members of Congress ought to be gentlemen—they ought to be, and he trusted they were in principle—not merely in their exterior, but in their high sense of honor, in a character which scorns, which spurns, to do that which is mean and base. In this point of view, Mr. R. said, he was decidedly in favor of the proposition of the gentleman from Kentucky. Mr. R. here took a discursive view of the course and origin of the Committee of Accounts, and of an attempt on the part of the Senate some years ago to establish a difference in the rates of payment between members of the Senate and the other House. A member of Congress, he went on to say, was as much entitled to his pay for the day he does not attend as for the day he does attend: it was not to be presumed, because he was not in his seat, that he was idle. His business, he said, was not merely to come here to write and frank so many letters, read so many newspapers, and stitch together so many documents as he daily finds on his table; to adjourn whenever the index of the clock pointed to four o'clock, and pass the remainder of the four and twenty hours in a perfect abstraction of mind and body from labor and exertion. No, Mr. R. said, even Sunday shone no Sabbath day for him; and yet, his account with the public for his services when a member heretofore, to this day remained unsettled, because he could not undertake to say to the Committee of Accounts how many days he had been absent, &c. This is a sort of economy he condemned—would they think of subtracting from the compensation of the head of a Department so much for every day he did not go to his office? A member of Congress, if he deserved to come at all, Mr. R. said, had no compensation for his services in the miserable pittance which the Government now allows, &c. He hoped this motion would pass, and that another reform would take place in the mode of doing business in the House; that was, by allowing days for business in the House, and leaving other days for doing business out of the House, &c. The present system, might do, said he, for mercenary soldiers, for day laborers; but not for men of our time of life and of our state. With respect to devising any mode of forcing the attendance of members, he was afraid no better could be devised than that which exists; the compulsory process, stopping wages, &c., treating the members of this House like livery servants, would not do. Mr. R. concluded his remarks by saying he had sometimes reflected with pain on the gradual depreciation of the value of a seat in this House, since he first had the honor of a seat in it. Members then made no sacrifices of the dignity of their station, and of their own

personal dignity. If they had not possessed native dignity, they acquired it from their stations; they felt themselves the Representatives each of thirty thousand souls. They thought it beneath them in those days, he said, to truckle to the great or to the small vulgar; to curry favor even with great officers of State, either foreign or domestic; much less with printers of journals, newspapers, &c.

Mr. STANFORD rose to enter his protest against any increase of the compensation of members of Congress; against offering such emoluments as would induce men of abilities to prefer offices and stations under the General Government to those under the State Governments. He would diminish rather than increase the compensation of the members of this House. He was willing to change the mode of compensation, but not in any way so as to increase it. The depreciation of money was, he said, a great and just complaint; but any change contemplating an increase of the compensation of the members, he thought, would be a change essentially to the mischief of principle. He was willing to change the mode of compensation; because in such a change there might be both economy and advantage.

Mr. RANDOLPH again rose. He said that whenever he differed from the gentleman last up, he doubted the correctness of his own judgment, so great reliance had he on that of that honorable gentleman. The resolution before the House did not speak of increase at all, but of a change in the mode of compensation. And he asked, ought it not to be changed? Was it not an allegation every day presented to their eyes in the public prints, that the sessions of Congress were protracted for the convenience of some members who saved four dollars a day out of six? Mr. R. said he could conceive nothing worse than giving pay not adequate to the support of a member of this House, as he ought to live, and yet very adequate to the support, and profit too, of a man who lives as a member of this House ought not to live. This was the very surest mode that could be fixed on to make them tools of the Executive. He did not mean to speak of the present members, but he knew, he said, that in old times there were members who did live as members ought not to live, and there were members who laid up a very considerable sum by the end of the session, which they carried home with them in round eagles and half eagles, and not in rags. Ambition, "the infirmity of noble minds," might bring a man here, he said, but he seldom served long, because a proper regard to his private affairs would not authorize him to do so. The consequence had been, he added, that young men, not destitute of capacity, certainly, nor, perhaps, of education, but of any thing that constitutes statesmen, had stepped into the chair of this House, to the heads of committees; and to their genius, if you will, but nothing like wisdom, are the destinies of this nation committed; and by the time they form some toler-

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able notion of the affairs of Government, they, too, are obliged to go home, and their place is supplied by another brood, equally callow and unfledged. If the State Governments did not pay their officers properly, Mr. R. said he had no objection to offer such compensation to their men of talents as should compel the State governments to loose their niggard purse-strings. In speaking of Legislatures, Mr. R. said, we see, about November, about the time the fogs set in, men enough assembled in the various Legislatures, General and State, to make a regiment; then the legislative maggot begins to bite; then exists the rage to make new, and repeal old laws. He said he should not think we should find ourselves at all worse off if no law of a general nature had been passed by either General or State Governments for ten or twelve years last past. Like Mr. Jefferson, he said, he was averse to too much regulation—averse to making the extreme medicine of the constitution our daily food. He referred to the depreciation of paper as being a standing violation of the constitution, (where it provides that the compensation of judges shall not be diminished during their continuance in office,) and intimated that an attempt had been lately made to induce the Chief Justice (Marshall) to accept his salary in the paper of this District, &c. The salaries of the officers of the Government were notoriously scanty; and though he would rather see the salary a disgrace to the man, than the man a disgrace to the office, he would give the public servants such salaries as would enable them to live without the imputation of dishonor. For, he asked, what man can live here on five thousand dollars a year? He may breathe on it. But who can keep a family, rent a house, furnish it, keep an equipage, give and receive entertainments, on that annual amount? A five-penny bit would be just as adequate to that purpose, both being notoriously incompetent. A man so situated may have no patrimonial estate; he may be *sui fortunæ faber*—have sprung from the Lord knows where, and be without resources. If he lives as he ought in his station, the imputation is, that he wants money, and must have it, and that he has the means of coming at it directly or indirectly. If he had no other object, he said, in increasing the compensation of the members, if he could thereby compel the State governments to rescue their officers from the situation in which they were placed, he would do it. We have a right, said he, to go into market and bid against them. When we want a lawyer in an important case, do we go to him who will do our business for fifteen shillings, or to the Emmetts, the Tazewells, the Pinkneys, the Wickhams? When our personal interest is concerned we apply to master workmen, not to those who will job for us at six dollars a day.

Mr. WEBSTER said, the resolution presenting no question but that of inquiry, in that view he should concur in it. There was, he said, something radically defective in the present system

of legislation. No Legislature in the world, he believed, however various its concerns, or extensive its sphere, sat as long as this, notwithstanding that its sphere of operation was so greatly contracted by the intervention of eighteen distinct Legislatures. The system does not compel, on the part of members, that attention which the nature of their public business requires. He referred to the letters and papers on the desks of the members every day. They ought to have none of them. When a man came into this House, he ought to leave on the threshold every feeling and thought but what was connected with the public service. Private letters and private conversation ought not to be permitted to encroach on the unity of his object. If, in any way, the attention of the House could be fixed on the speaker, Mr. W. said there would be an end to long speeches; for he defied any man to address any assembly of this sort, and address them long, if that attention was fixed on him. They would cease to speak when they ceased to have any thing to say on any thing or subject under debate. Mr. W. maintained that, under proper regulations, a session of two months in a year was perfectly adequate to the ordinary business of legislation. He expressed no opinion whether the compensation of members should be increased or diminished; but he was willing to inquire whether the mode of compensation could not be beneficially changed.

Mr. STANFORD said he had no idea of opposing this motion for inquiry when up before, but had merely risen to protest against any increase of compensation. The inquiry he thought proper. He believed such a change might be devised as would economize both the time and the funds of the nation.

The resolution was then agreed to without opposition; and MESSRS. JOHNSON, of Kentucky, WEBSTER, PITKIN, JACKSON, GROSVENOR, YATES, and McLEAN, of Ohio, were appointed the committee.

THURSDAY, March 7.

Compensation of Members.

The House then went into Committee of the Whole, on the bill to alter the compensation allowed to the members of Congress.

Mr. JOHNSON said he thought no diversity of opinion could arise on this bill but as to the sum which it proposed to allow the members per annum. If members of Congress were satisfied to adopt a smaller sum, he avowed himself willing to meet them, though he had no doubt the sum mentioned was as low as it ought to be, and was less than the salary received by twenty-eight clerks employed by the Government. Mr. J. also defended the propriety of the proposed mode of compensation over the per diem allowance, and concluded with a few statements to show, that the trifling addition to the pay would be nothing in comparison with the despatch of public business, which would be the effect of the change.

Mr. RANDOLPH coincided fully with Mr. JOHNSON in his views of the proposed change; and in order to divest the measure of its only odious consideration, he moved to amend the bill by suspending its operation until the 4th of March next, so as not to take effect during the present Congress. Mr. R. declared his conviction, however, that the object would not be fully attained by the change. Are not members, said he, obliged to be wakened up to vote; roused up to hear the question? Do they not keep the House from adjourning because they have not finished a letter, or sent off the last newspaper? The debates of the House are swelled to their great length by inattention of members; and to remedy it, we must get rid of this bookbinder's shop. The House, he said, was not exactly like a Dover court, where they were all speakers; but here there is one speaker and no listener.

Mr. JOHNSON was opposed to the amendment. He thought if the bill was necessary at all, it was as proper for the present Congress as a future one. However, he would not refuse his support to the bill, if the motion should be adopted. Congress, he said, had always to act for themselves on this subject, and he was averse to the postponement.

Mr. RANDOLPH said, for himself he would prefer the bill as it stood; but it was to satisfy any over-tender consciences that he proposed the amendment. For his part, he was not afraid of the thing called popularity; to vote to himself one thousand five hundred dollars—for what? For coming here and living as in a boarding school, or a monastery, &c. There was no profession scarcely by which a man could not earn one thousand five hundred dollars in six months, and do it much more pleasantly too than by coming here. Mr. R. concluded by repeating, that the object of his amendment was intended merely as a quietus to over-tender consciences.

Mr. GROSVENOR said, to decide on the amendment, it was only necessary to inquire, whether this measure was at all proper. If it be necessary, is it not so at this, as the next session? On what principle, he asked, was it necessary to postpone the effect of the bill? It would be viewed only as a little attempt to evade the imputation of regarding their own particular interests; and he was decidedly opposed to it.

Mr. HUEBNER assured the House he had never risen to address them with more reluctance, or less satisfaction to himself, than on the present occasion. He had waited to the last moment, and until the question was on the point of being taken, in the hope that some other gentleman would undertake the unpleasant task, (for an unpleasant task it certainly was,) of rising in opposition to a measure, evidently so popular and so well received. Providence in its beneficence, had blessed him with independence, and somewhat more, perhaps, of the good things of this life, than had fallen to the lot of several of those he addressed. He was sensible, that un-

der such circumstances, opposition to the proposed increase of pay might not come with the best possible grace from him; and he most sincerely wished that it had devolved upon any other gentleman, rather than on himself. He had waited, however, as before observed, to the last moment, but no one evinced the least disposition to rise in opposition to the bill. He did not, therefore, think himself so bound down, hand and feet, by the above consideration, or by the feelings of delicacy arising out of it, as to be absolutely precluded from expressing his dislike to a measure, which he disapproved of most decidedly, and in all its bearings; nor under any moral obligation to let it pass *sub silentio*, and without the most trifling attempt being made to stop its progress. He should, without further preface, throw himself on the candor and indulgence of the House. And whilst he cheerfully acknowledged the merits of the honorable gentleman from Kentucky, (Mr. JOHNSON,) who had so greatly distinguished himself in other fields, and a kind of warfare rather more glorious than that for which he had been, on the present occasion, extolled in such glowing language; he flattered himself, that he might at least hope and calculate upon the pardon and forgiveness of gentlemen, if he ventured, in like manner, to come forward with some little independence, and oppose a measure, evidently so popular within the walls of the Chamber, and which received such kind, and to all appearance, such general welcome.

Mr. H. repeated that he was decidedly opposed to the bill in all its bearings and provisions; to the increase of pay it proposed, (especially at the present time and under existing circumstances,) and still more to the manner in which that increase was to be brought about. Nothing could be further from his wish or intention than to attribute improper motives to the worthy chairman, or any other honorable gentleman of the committee by whom the bill had been introduced. But he must be permitted to say that the bill, so far as he comprehended its scope and tenor, presented itself to his understanding in a very questionable shape. It wore too much the appearance of disguise and concealment. If there really was such evident necessity for an increase in the pay of members of Congress, why not grant it in the good old way of a per diem. If six dollars a day were not adequate to meet their reasonable expenses, and afford them a comfortable subsistence at the Seat of Government, let the rate be augmented to eight, ten, or twelve dollars, or to whatever sum might be deemed sufficient. But let this be done in such a manner as that their constituents might at a glance understand what had been done, and have an opportunity of making a fair comparison between the present allowance, and what it was now proposed to raise it to. By changing the per diem, or daily allowance, into a salary, or gross sum, a concealment of the increase of pay was, he would

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not say, sought or intended, yet it certainly was effected. What number of persons abroad, he asked, would comprehend the full effect of the change, or possess proper data upon which to make a correct estimate and comparison between the present daily allowance and that which was contemplated? Even in that House there was great difference of opinion on the subject. The chairman of the committee stated it, including an average of extra sessions at between nine and ten dollars. He contended they were not likely to have, for some years to come, any extra session. Yet the very fact that there might or might not be extra sessions, was almost conclusive argument of itself in favor of the old mode of a per diem; and against the proposed change of it into a fixed salary and gross sum. At all events there was not the most distant prospect of an extra session, neither had there been one during the constitutional term of the present Congress. He was strictly correct, therefore, and fully authorized in estimating the addition of pay which would actually be received by the present members, at an increase of from one hundred to one hundred and fifty per cent., or at an average of at least fourteen dollars a day, besides the annual travelling allowance of six dollars every twenty miles. Indeed, this was so obviously the case, that he had heard it in conversation candidly acknowledged, that the mode adopted of giving an annual salary instead of a per diem, was the only one which could render the thing palatable, and make it go down with the people. And this very observation and acknowledgment had been by no means one of the smallest inducements with him to turn his attention particularly to the subject, and rise in opposition to the bill.

But even granting it to be expedient to increase their pay for the future, it was, in every possible view, incorrect and unbecoming to give the bill a retrospective operation. When the members of this Congress were elected they well knew they would be entitled to six dollars a day, and no more. They accepted their seats under this express condition. But if the bill passed, each member would receive fifteen hundred dollars for the year ending on the 4th of March, which was already elapsed, and during which they had barely been in session three months. Thus, instead of \$180 a month, or \$540 for three months, to which they were now entitled, and which many had already drawn, the members would receive \$1,500 each, while the President *pro tem.* of the Senate, and the Speaker of the House of Representatives, instead of \$1,080, to which they would be entitled as the law now stood, would each receive \$3,000; the members a per diem at the rate of about seventeen dollars per day, exclusively of the usual allowance for travelling expenses; the President *pro tem.* of the Senate, and the Speaker of the House of Representatives a per diem of rather upward thirty-three dollars, likewise exclusive of the usual allowance of travelling expenses. The President *pro tem.*,

and the Senate, and the Speaker, and House of Representatives of the Fourteenth Congress, would consequently receive a gratuity, (for a gratuity, concealed as it might be, it certainly was,) over and above their usual per diem, at the close of a bloody and expensive war, out of the public coffers, to the amount of about \$200,000 for their services the three months last past, during which they had literally, and to the best of his recollection, done nothing else but make appropriations, and lay taxes. Yet honorable gentlemen had spoken of this gratuity and augmentation of pay they were about to vote to themselves, as a mere pittance, which the liberality of their constituents would confirm without a second thought on the subject; nay, several had gone so far as to say, if the committee had erred, it was rather in fixing upon a sum too small, than in recommending one too large. He thought very differently. And though he had as much confidence in the liberality of those whom he immediately represented, as any other gentleman could have in that of his immediate constituents, yet when he recollected how liberally taxes had been laid on them already during the present Congress, and the high tariff of duties on foreign importations about to be added to these, by way of bounty to domestic manufactures, he could not find it in his conscience to draw upon their liberality for a gratuity, and an addition to his pay at such a moment, and under such circumstances.

Were there no other objections then to the bill, this extravagant retrospective operation would be a sufficient inducement with him to vote against it. But he had a still stronger, and, in his opinion, unanswerable objection to the bill, on account of the proposed change in the mode of compensation, and the novelty of converting members of the Legislature into salary officers. They were said, indeed, to be mere day laborers, and that it was beneath their dignity to receive a stipend, as though they were mere hewers of wood and drawers of water. He saw no force in the observation. They were in fact, and in truth, day laborers, and must, from the nature of their services, continue such. Their predecessors had been so, and had received for upwards of thirty years a per diem, in proportion to their daily services. Yet, it was the first time he had ever heard a whisper as to its baneful influence on their dignity, or that the receipt of a per diem had affected, one way or the other, the standing or respectability of the members of Congress.

Not only their dignity, however, was all of a sudden found to be lessened by the old mode of compensation, but members, it seems likewise to be most unexpectedly discovered, received less than clerks in many offices, or those employed to copy their own proceedings; and, it was triumphantly demanded, whether members of that honorable body were not worthy of at least as much compensation as mere quill-drivers. He really did not expect such an ar-

gument (well enough adapted, perhaps, to a newspaper paragraph) would have been seriously urged in that House. He would ask in return, whether the question had been fairly stated, or whether there was any point of comparison between a clerk who earned his daily bread by personal labor and his skill in figures and penmanship, and a member who was elevated to a seat in that august body; to whose care was committed the destinies of this great and rising Republic. He put it to gentlemen themselves to say, whether it was indeed with a view of making a livelihood, or upon the principle of obtaining compensation for their services, that they sought or accepted of the high, dignified, and responsible situation of a Representative of the people. He was confident that gentlemen, one and all, would spurn at the suggestion. Indeed, the honorable gentleman from Virginia, (Mr. RANDOLPH,) who was one of the most zealous supporters of the bill, had given the most decided negative to any such idea, and the strongest argument in favor of the principle he advocated, when he stated it to be his sober and well-digested opinion, that the members of Congress should not be allowed any pay whatever.

On this point, however, he had the misfortune likewise to differ from that gentleman; and he well remembered, at a former period, and as a member of a former Congress, when "economy and republican frugality and simplicity" were as much the cry and watchword of the day, as are at this time "dignity, and living like gentlemen," he well remembered he had resisted most strenuously a proposal to reduce the pay of members of Congress to three or four dollars a day. He had done so from motives and principles not dissimilar to those which actuated him at present in opposing an increase of pay.

He had always understood that the object of giving a *per diem* to members, either of the State or National Legislatures, was not by way of a compensation for their services, still less to remunerate them for sacrifices of pecuniary or personal advantages of any kind. No; the real object was to enable individuals, whose private means would not enable them to attend the sessions of the respective Legislatures, to meet the moderate and reasonable expenses to which they must necessarily be subjected by their attendance on them, and to the end that the country might not be altogether deprived of the services of men in narrow circumstances, from their inability to suffice to this extra expense. Hence, and in the same spirit, a moderate and reasonable allowance was made for travelling expenses—not at such a rate, however, as would be required by the nabob of the South, whom the gentleman from Massachusetts (Mr. KING) describes, and who, he tells us—with all the gravity and dignity he possesses in so eminent a degree, and which so well becomes the occasion—cannot get along without his carriage and two horses, and two

black servants, and two dogs, but such as would enable a decent and respectable individual to transport himself comfortably and conveniently from his place of residence to the Seat of Government.

Here the question presented itself, and he would examine whether the old *per diem* of six dollars was or was not sufficient to meet the reasonable and necessary expenses of a member whilst attending to his official duties. He would candidly acknowledge that money had depreciated; that living was (nominally at least) higher; that the pecuniary resources of a member, arising from his pay, were not as great or as favorable to him as they had been in former and better times. But this was not to last forever. In the mean time, it was equally felt by all those in any way connected or concerned with the General Government—the public creditor, the old soldier, the disbanded officer—indeed, by every portion of the community, even in their private concerns and capacity. He saw no reason, therefore, why the members of Congress should separate themselves from all other classes of that community, and make use of their official station to escape from the pressure of an evil common to all, and one for which it would better become them, and it was their bounden duty, to endeavor to find an efficient remedy. He moreover contended, the depreciation notwithstanding, that a member could live conveniently, comfortably, abundantly—aye, and like a gentleman too, if this was to be the criterion, upon the present *per diem*. He could prove it, he thought, beyond all contradiction, by figures. Take, for example, the expenditure of a week in Washington, at the highest rate, and for what he should presume to be an ample establishment, even for a gentleman: boarding and lodging, (the highest charge he had heard of,) fifteen dollars, a servant four, two horses eight. He did not include the two dogs of the honorable gentleman from Massachusetts, as this necessary appendage to the dignity of a member was unknown to himself or either of his colleagues, and must belong, he presumed, exclusively to Virginia and the other large States. The above three items amount to twenty-seven dollars, which, deducted from forty-two dollars, the gross amount of a week's pay, at six dollars *per diem*, would leave a balance of fifteen dollars per week for extra expenses, including Madeira, which the veteran member from Maryland (Mr. WRIGHT) seemed to think had likewise become indispensable to the dignity of a gentleman who had in these days a seat in Congress. And on this point, at least, he candidly acknowledged, and was happy to find, that his feelings were somewhat in unison with his old Congressional friend and acquaintance; though he had, nevertheless, some doubts whether the member who had made a late dinner or his supper with brown bread and a tumbler of genuine cider, would not find himself on the following morning fully as adequate to perform the duties

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of a legislator, as the one who had feasted sumptuously with the best white loaf, or enjoyed his bottle, even of the deservedly far-famed old *lath* of Alexandria.

The gentleman from Virginia (Mr. RANDOLPH) had said it was immoral, *contra bonos mores*, to oblige members to live, for the want of means, so many months separated from their families. There was point and pith in this, as there usually were in the remarks of that gentleman. He perfectly acquiesced in the truth and justice of it; but, before it could have any weight with him in making up his mind on the present question, he must be convinced that the proposed augmentation would remedy, or at least have a considerable tendency to remedy, the evil. From his own knowledge, he was convinced it could and would not. He was confident that the contemplated addition to the old *per diem* would not enable gentlemen, who had not other and private means of their own, to bring their wives and children with them; nor did he believe that one additional family would spend their winter at Washington in consequence of it. The only effect of this increased compensation would be, that the expensive habits and inclinations of one portion of the members would be encouraged and excited, whilst others, who were more saving and economical, would carry heavier purses home with them.

Another argument had been advanced, which likewise carried with it some appearance of plausibility. It was said this addition of pay would lessen the anxiety and necessity for Executive favors and appointments, and that Executive influence and control in and over that body would be thereby diminished. He was convinced, however, it would have a contrary tendency. The moment a seat in Congress was regarded as a money job, or members were induced to change their habits, and live beyond their regular means, by a temporary addition to them, they would imbibe expensive notions and inclinations. Their wants would increase; their families, as well as themselves, would be disposed to ape the follies and extravagances of the rich contractor, unprincipled speculator, and every other description of moneyed men, or of men without money, who lived by means of their wits, and at the expense of the industrious classes of the community. Dependence must be the natural and unavoidable consequence. An overbearing anxiety and irresistible necessity of obtaining Executive favors and patronage, *per fas aut nefas*, must as certainly follow. Moderation, frugality and economy were the only safeguards to the independence and integrity of men in public life. It was not only in direct opposition to the most sacred maxim of morality, thus to lead them into temptation; but the doctrine of the present day, and that preached up on the present occasion, which went to persuade members that it was necessary to live in a style beyond what was decent, respectable, and comfortable, and to entice them into expenses and a kind of liv-

ing beyond what they were accustomed to, or had the private means of keeping up at home, was contrary to the soundest dictates of common sense, and dangerous in the extreme. By doing so, they must become needy and craving, and be placed precisely in that situation most likely to render them subservient to, and then perhaps reluctant, yet not less implicit tools of, that branch of the Government which could alone supply their immediate and most pressing wants, and hold out to them in expectation a rich harvest and ample share of the loaves and fishes at its disposal.

But it was contended by the chairman of the committee, that this increase of pay, and change of the *per diem* into a salary, would shorten the sessions of Congress, put an end to long speeches—in a word, be the panacea or cure-all to every evil. Such might be the case in part, particularly as relates to the shortening of the sessions of that body. He more than doubted, nevertheless, if it was so, whether such an alternative was altogether desirable. The honorable chairman appeared to him not to have examined, with his usual sagacity, both sides before he had made up his mind on the question. Upon his own data, it would seem evident, on the one hand, that an augmentation of pay could not be necessary; for his arguments went to show, that the present six dollars *per diem* tempted members to make long speeches, and spin out the session—to the end that they might reap the greater emolument by remaining here and obtaining a greater number of days' pay. It followed, of necessity, that the old and present allowance was found experimentally to be not only sufficient, but highly desirable. On the other hand, if the *per diem* was changed into a salary, and that salary increased, in order to shorten the sessions and put down long speeches, might there not (deducing the same probable effects from the same efficient causes) be with justice serious apprehensions entertained lest the members should, in time to come, be induced to shorten the sessions too much, and hurry over the public business somewhat unadvisedly, and before it was properly and sufficiently matured? This was perhaps too often the case, even at this time, and under existing circumstances.

What, then, was to be expected, according to the data given, from a measure, the necessary operation of which was to place the interest of the individual in direct opposition to his duty, and to render his emolument greater or less, in exact proportion to the shortness of the period he devoted to his public duties, and remained in this, as it was said, most expensive city. Now, though he was by no means fond of too much regulation, yet he confessed he saw no very great inconvenience or danger likely to accrue to the Republic from too much discussion. For his own part, he would rather be condemned to listen to fifty long and tedious speeches than contribute, *sub silentio*, to the passage of one bad law, or be obliged to vote

for a measure he had not heard explained or did not comprehend.

There was another aspect in which this subject presented itself to him as of vital importance, and as affording cause for serious alarm. He was perfectly satisfied, in his own mind, that no measure could be devised which would increase, so enormously and fearfully, the influence of the executive over the legislative branch of the Government, or throw the latter so completely under the control of the former as this salary system. Not only the sessions would thereby be injuriously shortened, but business would be hurried through any how and every how. Congress would meet for little else than to lay taxes and make appropriations. Laws would be passed as they were sent ready drawn up from the several departments, and measures, kindly and previously matured by the industry and superior wisdom of the Executive, would be adopted, right or wrong, with little if any discussion. He entreated gentlemen to take this view of the subject, before they made up their minds on the question, and to postpone the bill at least till the next session, and until they had gone home and consulted with their constituents in regard to it. He could not, for his own part at least, but regard this change of the *per diem* into a salary, or gross sum, as a dangerous innovation, and one likely to be attended with the worst consequences.

Our Government had been described with some humor, and not less justice, perhaps, as a species of *logocracy*. It was in fact and in essence very much of one. It could not get along without considerable discussion. The people ought and would know, what were the motives which led to this or that measure, or why one law was passed, and another rejected. Now, he knew of no mode by which this information could be obtained by them more conveniently or satisfactorily, than through the debates in Congress, and the speeches of their Representatives. He was disposed, therefore, to view this *cacothés loquendi*, which some gentlemen (who possessed it in no trifling degree themselves) complained so much of, with some little indulgence. There was, indeed, at times, irksome, tedious, and most ridiculous speeches made in that House. But gentlemen enjoyed a privilege which they had very generally, and not very unfrequently availed themselves of during the present session—the privilege of not listening to such speeches; whilst the good people abroad read them, or read them not, according as the subject, or speaker, or any other circumstance, excited their curiosity, or attracted their attention.

Mr. H. concluded by repeating he did not think the sessions long. The House was sometimes vexed with the *cacothés loquendi*, but the consequence was, that measures had a fair and deliberate consideration. It was necessary, he thought, the community should rightly understand the acts of Congress; and one of the advantages of this speechification was, that the

people would be well informed, and our measures be well matured. Long speaking, he contended, was no such great evil as had been asserted; he would rather have ten days speaking than one law; for many laws were an evil. Mr. H. said that the Abbe Sicard, so celebrated for teaching the deaf and dumb, had lately published that there was a nation in North America who had no language at all, but did every thing by signs. He was friendly to debate because he himself felt its good effects, for he had entertained very different opinions on some subjects from those he brought here. Ours, he said, was a *logocracy*; it was in vain to deny it, and we ought to act in the spirit of the Government, &c. Mr. H. adverted to the charge of folding newspapers, &c., and said it was worse than the practice of lounging about the House as some did. He concluded by declaring it his opinion that instead of diminishing the sessions, he thought it would be better to make them longer; and as to the pay, he thought the honor of the station was sufficient to bring gentlemen to Congress, without any influence from pecuniary considerations.

Mr. RANDOLPH said, in reply to Mr. HENRY that he agreed with him in just one-half of each of his propositions, which was that speeches did no harm. In his opinion they were like the women's physis, they did neither good nor harm. The gentleman (Mr. HUEZA) thought no pay ought to be allowed, because gentlemen ought to come here for honor; if that is the case, many, said Mr. R., come for what they do not get. Many of the clerks, it had been said, received more than the members of Congress—yet, Mr. R. said, there was no clerk who ever drudged harder than he did; in proof of which, he briefly detailed the course of labor and study he imposed on himself whilst here in the public service. Mr. R. denied that the members could live comfortably on six dollars a day now, whatever might have been the case when the pay was first fixed. He adverted also to the salaries of some other officers of the Government, particularly the Chief Justice, who was put off with a scanty pittance. The pay at first fixed for those officers was something like a decent compensation, but now pitiful and disgraceful. The gentleman (Mr. HUEZA) must pardon me, said Mr. R., if I think his arguments are better calculated for what is called on this side of the river *stump*, than for this committee, &c.

Mr. JOHNSON, of Kentucky, said he wished this measure correctly and properly understood that the people might judge of its merits. He never concealed from his constituents his sentiments on political subjects, and although it was a measure in which every member was concerned individually, he never, on any occasion, consulted more the honor, the happiness, the rights, the independence of his constituents and his country, than in proposing a change in the mode of compensation to members of Congress. He had been a member of Congress for eight

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years, in times of trial and difficulty, when the rights of the nation had been violated, when storms menaced its peace and tranquillity, and when a severe and sanguinary war threatened the very basis of our independence. During all this period, he had discovered imminent danger to the Republic in the councils of the nation, in the very councils to which the American people looked for wisdom and direction—the Congress of the United States. We wanted energy and decision of character to take wise and strong measures. The people called for despatch of business, and we answered them with long speeches. We were many times upon the point of taking the most important questions; and when it was expected that some great measure would be decided, a motion for adjournment was carried. In this way, from day to day, from week to week, and from month to month, a long session was spun out, the six dollars per day pocketed, and little or nothing done to relieve our distresses. When, under this state of things, the people, driven almost to despair, poured upon us their anathemas, every member could go home and tell his constituents that he himself was innocent, and that the fault of indecision and delay rested entirely with others. It was impossible for the people to ascertain who attended to his duty or who neglected it. The members, in this respect, evaded their responsibility, because invisible to their constituents. Although we might patrol the streets, or vote for an adjournment at three o'clock, or even at an earlier hour, the people remained ignorant of our delinquency.

Mr. J. said he would vote for no sum which, in his opinion, would ultimately cost the people of the United States one cent more than the present system. He asked, then, whether the sum proposed would be too great? and whether such a sum would ultimately cost the Government more? Mr. J. said he had looked back into the various sessions since the beginning of the Government—at the various contingent expenses of each session, and he had no doubt but that under the proposed compensation money would be saved to the nation. In this pecuniary point of view, the nation would be the gainer. 1st. By dispensing with extra sessions of Congress, which never ought to take place in the United States, but which are becoming common. Every extra session would cost the Government at least from \$120,000 to \$150,000 more than the per diem in mileage and contingencies. But let it be recollected that in case of an extra session, which we may suppose necessary in some extreme case, no member will have any thing more in consequence of it. It may be asked, what would you do in any emergencies, such as those which have produced extra sessions? In such cases, the call of Congress some four or five weeks previous to the time of adjournment, would always answer the purpose, as in the case of the attack upon the Chesapeake.

Connected with the whole system of expense,

therefore, the public will save money; and if that be the case, no patriot will think the compensation too great to be paid for the representative of his choice.

But let us confine our view to the compensation, abstracted from the foregoing considerations. Members cannot consider this as a great augmentation. Indeed, none can think so, compared with what we get. Nine months' sessions will give each member, at six dollars per day, one thousand six hundred and twenty dollars. Mr. J. said he had himself received at one session, one thousand five hundred dollars at six dollars per day; and he was convinced, that in a very little time, the wealthy would unite with another class of men, and have either perpetual sessions, or sessions that would bring to each member at least one thousand five hundred dollars. This, he said, demonstrated the propriety of having a fixed sum, beyond which we could not go; that if we wasted our time, it would be at our own expense. Suppose, said he, we were to continue our eight months' sessions, what enormous contingent expenses should we incur? At our last session, our contingent expenses amounted to \$50,000, or thereabout. Despatch of business would prevent this. In a session of three months, the contingent expenses ought not, nor would they be, more than about \$20,000, a saving of \$80,000 in each session of six months. Indeed, with the rules of reform which this measure must introduce, instead of \$50,000, the amount heretofore expended for printing, stationery, fuel, attendants, and other contingencies, the whole ought not to exceed \$15,000 for the contingent expenses of a session. But Congress have not only had a session which gave each member \$1,500; it is in our power (and I fear the time is not far distant when we shall avail ourselves of it) to remain in session till each member will draw \$2,000 from the Treasury. In this point of view, it is necessary to limit that power. But there are many other weighty reasons why this compensation is not too great.

1st. It will unite patriotism and interest to secure the attendance and industry of members.

2d. It will enable a man of merit, though poor, as well as the man of wealth, to come to Congress, if elected by the people, which is no trifling consideration. This is the only free and happy Government on the earth. Other nations are groaning under the yoke of despotism. Privileged orders are established—a nobility to riot upon the spoils of the people. Here all are on an equality, and eligible to office. The people, on the day of election, look to merit, not to riches. They ask for the qualities of the candidates. They inquire into their political sentiments, their personal integrity and talents, and they decide accordingly. These persons may have families to support, dependent upon their business or profession, which, if neglected, will subject them to suffering. It is then the duty of the people to afford them such compensation as will justify their engagements to serve them,

that the country may not be subject to the dominion of the idle and profligate, or of such as are born to princely fortunes, while the most meritorious are driven, by a sense of that duty which they owe to their families, from public employment. Mr. J. said, he advocated the amount, not on his own individual account. In his present situation, he felt little interest as to the amount. He was, nevertheless, willing to receive it, because he did not think it too great. It was after all a poor compensation. His main object was, to shorten sessions, and despatch business, for he would rather serve three months for nothing, than six months in each year for six dollars per day. The sacrifice was, in breaking in upon all the avocations of the farmer, the mechanic, the lawyer, the merchant, &c., which began generally, and always demanded special attention, in the Spring.

3d. The rights and honor of the nation will be preserved by a despatch of public business, and by acting with more promptness upon petitions and other claims during the session in which they are presented, and not continue them from session to session for ten years, as has been done in many cases of just claims, when the amount has been exhausted by the expenses of attendance. Such a course is incompatible with the dignity of a magnanimous nation—there must be a reform.

Mr. CLAY took the opportunity afforded him by the Committee of the Whole, to yield his support to the bill, and at once to commit himself in its favor. As to the amendment to defer the commencement of its operation until the next Congress, he would remark that, in his judgment, there was more propriety in the law ending than in beginning there. It was more respectful to our successors to leave them free to determine what was the just measure of indemnity for their expenses, than for us to prescribe the rule for them. We can best judge for ourselves. With regard to the supposed indelicacy of our fixing upon our own compensations, let the constitution, let the necessity of the case, be reproached for that, not us. Mr. C. said his own personal experience determined him in voting for the bill. He had attended Congress, sometimes without his family, and at others with a part of it; and although his compensation, while he had enjoyed the honor of presiding in this House, was double that of other members, he declared, with the utmost sincerity, that he had never been able to make both ends meet at the termination of Congress.

The honorable gentleman from South Carolina (Mr. HUGER) tells us he was born to opulence. He ought to recollect that few in this House have had the same good fortune. Would he reserve the seats here for the well-born and the rich alone? And yet they must be confined to them, unless such an allowance is made as will enable the poor and the middling classes to come here. Mr. O. thought the rate of compensation ought to be such at least as that ruin

should not attend a long service in this House. And yet how many are driven out of it by their inability to sustain the expenses and loss incident to the situation! This had been particularly the case from the State to which he had the honor of belonging. And he regretted to find that this cause was still operating, and was about to deprive the House and the country of the valuable services of several of his colleagues. Mr. C. thought the compensation ought to effect more; it ought to guaranty the independence of the members of this House against the influence of the Executive branch. How was the fact in another country? There the members of the Legislature received a stipend; and the consequence was, that it was filled with pensioners, placemen, and the creatures of the Ministry. The laborer is worthy of his hire; and if you do not give him the wages of honesty, it is to be apprehended the wages of corruption may, in process of time come to be sought. He should give his decided vote for the bill.

Mr. PARBOUT said that he should vote for the amendment, and disclaimed any interest but that which was correct and proper. The six dollars now allowed, if taken as a salary, he said, was not enough; but, if as an allowance to support members of Congress while here at the public business, was insufficient for many, though he himself could live comfortably at that sum. He disclaimed any concealment and was the last to impute an impure motive to others. He supposed, therefore, gentlemen were governed by correct motives in supporting this bill, and claimed for himself the same allowance. He knew it was a delicate matter to act for self; there was an inextinguishable feeling in such a case, which nature had implanted in us, and he was aware that in action on it, the greatest purity could not escape suspicion. Like Caesar's wife, not wishing ever to be suspected of improper views in this case, he should vote for the amendment. He avowed his desire of that popularity which attended good actions—not that which was got without merit, and lost without a fault. He should, therefore, vote for the motion.

Mr. PICKERING said, if the present compensation was inadequate, let it be augmented. It was in favor of the bill for many reasons. It would certainly despatch the public business and save the public money. The depreciation of money had been more than fifty, even though seventy-five per cent.; and if, as had been said, the compensation was originally fixed on democratic principles, it ought now to be increased to what would equal the value of what six dollars were when that sum was fixed. If the change is proper, said Mr. P., shall we adopt a self-denying ordinance, and say we will not give to ourselves what we are willing to give to our successors? After some remarks on an alteration in the mode of doing business which Mr. P. thought would be useful, if the bill passed, he concluded by saying that, as to

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that rascally prudence which had been mentioned on a former day by Mr. RANDOLPH, he was as destitute of it as anybody. He had never in his life taken time to think whether an act would make him popular or otherwise, and he should disregard such a consideration on this occasion.

Mr. RANDOLPH declared that he had such an aversion to the bare name of self-denying ordinances, that since his motion had been so denominated, he was induced to withdraw it; which he did accordingly.

Mr. STANFORD then said that there were some in this House who had believed that the constitution prohibited Congress from increasing its own pay; and, as he was averse to augmenting it, he renewed the motion just withdrawn by Mr. RANDOLPH, to refer the operation of the act to the next session of Congress.

The question was then taken on the motion, and negatived by a large majority.

Mr. Root rose to express his opinion of the scheme, as it might be called, proposed by the bill. It was intended, he was informed, to cure a great evil, and that evil was the length of the sessions; and as it was wrong to apply the previous question, the evil must be cured by an annual salary. This object, he said, bore no relation to the present compensation; and, therefore, it was to advance the pay in disguise. It was argued that the pay was inadequate, and that the members staid here to increase it, thereby protracting the sessions; and that an annual salary must be allowed to remedy this evil. These reasons were inexplicable to him. He had no objection that members of Congress should receive an adequate compensation for their services; but that would depend on their mode of living. If six dollars were not enough, meet the question fairly, and not in this disguised manner. He believed the increased privilege of franking and continuing the mileage allowance, would virtually make the proposed compensation twelve dollars per day. Mr. R. said he was bred a democrat, and never could tolerate any thing like aristocracy. He, therefore, rejected the distinctions which had been claimed for members of Congress on account of the dignity of their stations, and their not being day-laborers, &c. Some of them, he said, might be more honest than day-laborers, but take mankind in the gross, and you will find honesty and intrinsic merit pretty generally distributed through the different classes of society.

The bill was then ordered to a third reading by a large majority.

FRIDAY, March 8,

Compensation of Members.

The engrossed bill to change the mode of compensation to the members of Congress, was read the third time, and the question stated, "Shall the bill pass?"

The question was then put, on the passage

of the bill, and decided in the affirmative—ayes 81, nays 67, as follows:

YEAS.—Messrs. Alexander, Atherton, Baylies, Betts, Birdsall, Bradbury, Breckenridge, Brown, Calhoun, Champion, Chappell, Chipman, Clarke of North Carolina, Clark of Kentucky, Clayton, Clendennin, Condict, Conner, Creighton, Culpeper, Davenport, Gold, Grosvenor, Hardin, Henderson, Hopkinson, Hulbert, Irving of New York, Jackson, Jewett, Johnson of Kentucky, Kent, Kerr of Virginia, King of Massachusetts, King of North Carolina, Law, Lovett, Marsh, Mayrant, McLean of Kentucky, McLean of Ohio, Middleton, Milnor, Moore, Mosely, Nelson of Massachusetts, Newton, Noyes, Ormsby, Parris, Pickens, Pickering, Pitkin, Randolph, Reed, Robertson, Sergeant, Savage, Sharpe, Sheffield, Smith of Pennsylvania, Smith of Maryland, Stearns, Sturgis, Taggart, Tallmadge, Tate, Taul, Taylor of South Carolina, Thomas, Throop, Ward of Massachusetts, Ward of New York, Webster, Wendover, Wheaton, Thomas Wilson, Woodward, Wright, and Yates.

NAYS.—Messrs. Adgate, Baer, Barbour, Bassett, Bateman, Bennett, Blount, Boss, Burnside, Cannon, Cilley, Clopton, Comstock, Crawford, Crocheron, Cuthbert, Darlington, Desha, Edwards, Forney, Forsyth, Gaston, Glasgow, Goldsborough, Goodwyn, Griffin, Hale, Hall, Hammond, Hawes, Herbert, Huger, Hungerford, Ingham, Johnson of Virginia, Langdon, Lewis, Love, Lowndes, Lumpkin, Lyle, Lyon, Maclay, Mason, McCoy, Piper, Root, Ross, Smith of Virginia, Southard, Stanford, Strong, Taylor of New York, Telfair, Townsend, Tucker, Vose, Wallace, Ward of New Jersey, Whiteside, Wilcox, Wilde, Wilkin, Williams, Willoughby, William Wilson, and Yancey.

SATURDAY, March 9.

National Bank.

The intervening orders of the day were postponed, and the House resolved itself into a Committee of the Whole, on the National Bank bill.

After some unimportant amendment, and the bill having been gone through, the question was stated on the committee's rising and reporting it to the House, when Mr. CLAY rose, and delivered at length his sentiments in favor of the bill, its principle and details.

A desultory debate followed, between Mr. JACKSON, Mr. CLAY, and Mr. RANDOLPH, on one or two points of CLAY's arguments—Mr. RANDOLPH touching incidentally on the bill itself.

After which, the committee rose and reported progress.

[The speech delivered on this occasion, by Mr. CLAY, appears not to have been reported, and, of course, cannot be inserted as uttered in the House; but, after the return of Mr. C. to Kentucky, he made an address to his constituents, in which he gave the substance of it, as follows:]

On one subject, that of the Bank of the United States, to which, at the late session of Congress, he gave his humble support, Mr. CLAY felt particularly anxious to explain the grounds on which he had acted. This explanation, if not due to his own character, the State and the district to which he belonged had a right to demand. It would have been unnecessary if

his observations, addressed to the House of Representatives pending the measure, had been published; but they were not published, and why they were not published he was unadvised.

When he was a member of the Senate of the United States, he was induced to oppose the renewal of the charter to the old Bank of the United States, by three general considerations: The first was, that he was instructed to oppose it by the Legislature of the State. What were the reasons that operated with the Legislature, in giving the instruction, he did not know. He had understood from members of that body, at the time it was given, that a clause, declaring that Congress had no power to grant the charter, was stricken out; from which it might be inferred, either that the Legislature did not believe a bank to be unconstitutional, or that it had formed no opinion on that point. This inference derives additional strength from the fact, that, although the two late Senators from this State, as well as the present Senators, voted for a National Bank, the Legislature, which must have been well apprised that such a measure was in contemplation, did not again interpose, either to protest against the measure itself, or to censure the conduct of those Senators. From this silence on the part of a body which has ever fixed a watchful eye upon the proceedings of the General Government, he had a right to believe that the Legislature of Kentucky saw, without dissatisfaction, the proposal to establish a National Bank; and that its opposition to the former one was upon grounds of expediency, applicable to that corporation alone, or no longer existing. But when, at the last session, the question came up as to the establishment of a National Bank, being a member of the House of Representatives, the point of inquiry with him was, not so much what was the opinion of the Legislature—although, undoubtedly, the opinion of a body so respectable would have great weight with him under any circumstances,—as what were the sentiments of his immediate constituents. These he believed to be in favor of such an institution, from the following circumstances: In the first place, his predecessor (Mr. HAWKINS) voted for a National Bank, without the slightest murmur of discontent. Secondly, during the last Fall, when he was in his district, he conversed freely with many of his constituents upon that subject, then the most common topic of conversation, and all, without a single exception, as far as he recollected, agreed that it was a desirable, if not the only efficient remedy for the alarming evils in the currency of the country. And, lastly, during the session he received many letters from his constituents, prior to the passage of the bill, all of which concurred, he believed, without a solitary exception, in advising the measure. So far, then, from being instructed by his district to oppose the bank, he had what was perhaps tantamount to an instruction to support it—the acquiescence of his constituents in the vote of their former Representative, and the com-

munications, oral and written, of the opinions of them in favor of a bank.

The next consideration which induced him to oppose the renewal of the old charter, was, that he believed the corporation had, during a portion of the period of its existence, abused its powers, and had sought to subvert the views of a political party. Instances of its oppression for that purpose, were asserted to have occurred at Philadelphia and at Charleston; and, although denied in Congress by the friends of the institution, during the discussions on the application for the renewal of the charter, they were in his judgment, satisfactorily made out. His oppression, indeed, was admitted in the House of Representatives, in the debate on the present bank, by a distinguished member of that party, which had so warmly espoused the renewal of the old charter. It may be said, what security is there that the new bank will not imitate the example of oppression? He answered, the fear of the old bank—warning all similar institutions to shun politics, with which they ought not to have any concern; the existence of abundant competition, arising from the great multiplication of banks, and the precautions which are to be found in the details of the present bill.

A third consideration upon which he acted in 1811 was, that, as the power to create a corporation, such as was proposed to be continued, was not specifically granted in the constitution, and did not then appear to him to be necessary to carry into effect any of the powers which were specifically granted, Congress was not authorized to continue the bank. The constitution, he said, contained powers delegated and prohibitory—powers expressed and constructive. It vests in Congress all powers necessary to give effect to enumerated powers; all that may be necessary to put into motion and activity the machine of Government which it constructs. The powers that may be so necessary, are deducible by construction; they are not defined in the constitution; they are, from their nature, indefinable. When the question is in relation to one of these powers, the point of inquiry should be, is its exertion necessary to carry into effect any of the enumerated powers and objects of the General Government? With regard to the degree of necessity, various rules have been at different times, laid down; but, perhaps, at last there is no other than a sound and honest judgment exercised under the checks and control which belong to the constitution and the people.

The constructive powers being auxiliary to the specifically granted powers, and depending for their sanction and existence upon a necessity to give effect to the latter, which necessity is to be sought for and ascertained by a sound and honest discretion, it is manifest that this necessity may not be perceived, at one time, under one state of things, when it is perceived, at another time, under a different state of things. The constitution, it is true, never changes—it is always the same; but the force of circum-

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stances, and the lights of experience, may evolve to the fallible persons charged with its administration, the fitness and necessity of a particular exercise of constructive power to-day, which they did not see at a former period.

Mr. C. proceeded to remark, that, when the application was made to renew the old charter of the Bank of the United States, such an institution did not appear to him to be so necessary to the fulfilment of many of the objects specifically enumerated in the constitution, as to justify Congress in assuming, by construction, a power to establish it; it was supported mainly upon the ground that it was indispensable to the Treasury operations. But the local institutions in the several States were, at that time, in prosperous existence, confided in by the community, having a confidence in each other, and maintaining an intercourse and connection the most intimate. Many of them were actually employed by the Treasury, to aid that Department in a part of its fiscal arrangements; and they appeared to him to be fully capable of affording to it all the facility that it ought to desire in all of them. They superseded, in his judgment, the necessity of a national institution. But how stood the case in 1816, when he was called upon again to examine the power of the General Government to incorporate a National Bank? A total change of circumstances was presented—events of the utmost magnitude had intervened.

A general suspension of specie payments had taken place, and this had led to a train of consequences of the most alarming nature. He beheld, dispersed over the immense extent of the United States, about three hundred banking institutions, enjoying, in different degrees, the confidence of the public, shaken as to them all, under no direct control of the General Government, and subject to no actual responsibility to the State authorities. These institutions were emitting the actual currency of the United States; a currency consisting of a paper, on which they neither paid interest nor principal, whilst it was exchanged for the paper of the community, on which both were paid. He saw these institutions, in fact, exercising, what had been considered at all times, and in all countries, one of the highest attributes of sovereignty—the regulation of the current medium of the country. They were no longer competent to assist the Treasury, in either of the great operations of collection, deposit, or distribution of the public revenues. In fact, the paper which they emitted, and which the Treasury, from the force of events, found itself constrained to receive, was constantly obstructing the operations of that Department; for it would accumulate where it was not wanted, and could not be used where it was wanted for the purposes of Government, without a ruinous and arbitrary brokerage. Every man who paid or received from the Government, paid or received as much less than he ought to have done, as was the difference between the medium in which the pay-

ment was effected and specie. Taxes were no longer uniform. In New England, where specie payments have not been suspended, the people were called upon to pay larger contributions than where they were suspended. In Kentucky, as much more was paid by the people in their taxes, than was paid, for example, in the State of Ohio, as Kentucky paper was worth more than Ohio paper.

It appeared to Mr. C. that, in this condition of things, the General Government could depend no longer upon these local institutions, multiplied and multiplying daily; coming into existence by the breath of eighteen State sovereignties, some of which, by a single act of volition, had created twenty or thirty at a time. Even if the resumption of specie payments could have been anticipated, the General Government remaining passive, it did not seem to him that the General Government ought longer to depend upon these local institutions exclusively for aid in its operations; but he did not believe it could be justly so anticipated. It was not the interest of all of them, that the renewal should take place of specie payments; and yet, without concert between all, or most of them, it could not be effected. With regard to those disposed to return to a regular state of things, great difficulties might arise as to the time of its commencement.

Considering, then, that the state of the currency was such, that no thinking man could contemplate it without the most serious alarm; that it threatened general distress, if it did not ultimately lead to convulsion and subversion of the Government, it appeared to him to be the duty of Congress to apply a remedy, if a remedy could be devised. A National Bank, with other auxiliary measures, was proposed as that remedy. Mr. C. said he determined to examine the question with as little prejudice as possible arising from his former opinion; he knew that the safest course to him, if he pursued a cold, calculating prudence, was to adhere to that opinion, right or wrong. He was perfectly aware, that, if he changed, or seemed to change it, he should expose himself to some censure; but, looking at the subject with the light shed upon it by events happening since the commencement of the war, he could no longer doubt. A bank appeared to him not only necessary, but indispensably necessary, in connection with another measure, to remedy the evils of which all were but too sensible. He preferred, to the suggestions of the pride of consistency, the evident interests of the community, and determined to throw himself upon their candor and justice. That which appeared to him, in 1811, under the state of things then existing, not to be necessary to the General Government, seemed now to be necessary, under the present state of things. Had he then foreseen what now exists, and no objection had lain against the renewal of the charter, other than that derived from the constitution, he should have voted for the renewal.

Other provisions of the constitution but little

noticed, if noticed at all, on the discussions in Congress, in 1811, would seem to urge that body to exert all its powers to restore to a sound state the money of the country. That instrument confers upon Congress the power to coin money, and to regulate the value of foreign coin; and the States are prohibited to coin money, to emit bills of credit, or to make any thing but gold and silver coin a tender in payment of debts. The plain inference is, that the subject of the general currency was intended to be submitted exclusively to the General Government. In point of fact, however, the regulation of the general currency is in the hands of the State governments, or, which is the same thing, of the banks created by them. Their paper has every quality of money, except that of being made a tender, and even this is imparted to it by some States, in the law by which a creditor must receive it, or submit to a ruinous suspension of the payment of his debt. It was incumbent upon Congress to recover the control which it had lost over the general currency; the remedy called for was one of caution and moderation, but of firmness. Whether a remedy directly acting upon the banks, and their paper thrown into circulation, was in the power of the General Government or not, neither Congress nor the community were prepared for the application of such a remedy; an indirect remedy, of a milder character, seemed to be furnished by a National Bank. Going into operation with the powerful aid of the Treasury of the United States, he believed it would be highly instrumental in the renewal of specie payments. Coupled with the other measure adopted by Congress for that object, he believed the remedy effectual. The local banks must follow the example which the National Bank would set them, of redeeming their notes by the payment of specie, or their notes will be discredited and put down.

If the constitution, then, warranted the establishment of a bank, other considerations besides those already mentioned, strongly urged it. The want of a general medium is everywhere felt; exchange varies continually, not only between different parts of the Union, but between different parts of the same city. If the paper of a National Bank were not redeemed in specie, it would be much better than the current paper; since, although its value, in comparison with specie, might fluctuate, it would afford a uniform standard.

If political power be incidental to banking operations, there ought, perhaps, to be in the General Government some counterpoise to that which is exerted by the States. Such a counterpoise might not, indeed, be so necessary, if the States exercised the power to incorporate banks equally, or in proportion to their respective populations. But that is not the case. A single State has a banking capital equivalent, or nearly so, to one-fifth of the whole banking capital of the United States. Four States combined, have the major part of the banking cap-

ital of the United States. In the event of any convulsion, in which the distribution of banking institutions might be important, it may be urged that the mischief would not be alleviated by the creation of a National Bank, since its location must be within one of the States. But in this respect, the location of the bank is extremely favorable, being in one of the middle States, not likely, from its position, as well as its loyalty, to concur in any scheme for subverting the Government; and a sufficient security against such contingency, is to be found in the distribution of branches in different States, acting and reacting upon the parent institution and upon each other.

WEDNESDAY, March 18.

National Bank.

The House took up the National Bank bill. Mr. ATHERTON's motion to make the rate of subscribing the three per cent. stock "fifty" instead of "sixty-five" per cent. being still under consideration, this motion was negative; and Mr. A. subsequently moved to receive the three per cent. at "sixty" instead of "sixty-five" per cent., which was also negative—88 to 53.

After rejecting various other propositions to amend the bill, among which was the motion of Mr. WEBSTER to increase the value of the shares to four hundred dollars, and diminish the number to 87,500, the question was taken on ordering the bill to be engrossed, and read a third time, and decided in the affirmative—yeas 82, nays 61, as follows:

YEAS.—Messrs. Adgate, Alexander, Atherton, Baz, Bateman, Betts, Boss, Bradbury, Brown, Calhoun, Cannon, Champion, Chappell, Cilley, Clarke of North Carolina, Clark of Kentucky, Clendennin, Comstock, Condict, Conner, Creighton, Crocheron, Cuthbert, Edwards, Forney, Forsyth, Gholson, Grosvenor, Hawes, Henderson, Huger, Hulbert, Hungerford, Ingham, Irving of New York, Jackson, Jewett, Kerr of Virginia, King of North Carolina, Langdon, Love, Lowndes, Lumpkin, Maclay, Mason, McCoy, McKee, Middleton, Moore, Mosely, Murfree, Nelson of Massachusetts, Noyes, Pickens, Pinkney, Piper, Robertson, Sharpe, Smith of Maryland, Smith of Virginia, Southard, Sturges, Taul, Taylor of New York, Taylor of South Carolina, Telfair, Thomas, Troup, Townsend, Tucker, Ward of New Jersey, Wendover, Wheaton, Wilde, Wilkins, Williams, Willoughby, William Wilson, Woodward, Wright, Yancey, and Yates.

NAYS.—Messrs. Baker, Barbour, Bassett, Bloom, Breckenridge, Burnside, Cady, Caldwell, Clayton, Clopton, Cooper, Crawford, Culpeper, Darlington, Davenport, Desha, Gaston, Gold, Goldsborough, Goodwyn, Hahn, Hale, Hall, Hanson Hardin, Herbert, Hopkinson, Johnson of Virginia, Kent, Law, Lewis, Lovett, Lyle, Lyon, Marsh, Maryant, McLean of Kentucky, McLean of Ohio, Milnor, Newton, Ormsby, Pickering, Pitkin, Randolph, Reed, Root, Ross, Ruggles, Sergeant, Savage, Smith of Pennsylvania, Stanford, Stearns, Strong, Tallmadge, Vose, Wallace, Ward of Massachusetts, Webster, Whiteside, and Wilcox.

The Speaker laid before the House two Mes-

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sages from the President of the United States, one enclosing the documents respecting the public accounts of Colonel James Thomas, called for by the House; and the other a report respecting the Cumberland road; which being severally referred, the House adjourned.

THURSDAY, March 14.

Monument to Washington.

Mr. HUGER from the joint committee, appointed on the 16th ultimo, respecting the remains of the late General GEORGE WASHINGTON, made a report containing joint resolutions providing for the erection of a monument to commemorate the virtues of GEORGE WASHINGTON; which were read, and referred to a Committee of the whole House on Saturday next. The report is as follows:

That they have carefully and attentively examined into the subject referred to them, and submit to the consideration of their respective Houses the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in pursuance of the resolution of Congress of the 24th of December, 1799, a marble monument be erected by the United States to commemorate the military, political, and private virtues of GEORGE WASHINGTON.

That the receptacle for his remains be prepared in the foundation of the Capitol, and that the monument be placed over the same, and in the centre of the great hall of the Capitol.

That on the four sides of the monument, he be represented—

As the defender of his country against the French and Indians in the war before the Revolution.

As the protector of her rights against British invasion, and the Captain of her Armies in the war of independence.

As the first President of the United States, wisely administering the public affairs during eight years of peace, other nations being engaged in war.

As a private citizen voluntarily retired from public office, and engaged in the employments of agriculture.

And be it further Resolved, That the President of the United States be, and is hereby, authorized to take measures to carry the foregoing resolution into execution.

National Bank.

The bill to incorporate the subscribers to the Bank of the United States, was read a third time; and the question stated on the passage of the bill.

Mr. WEBSTER rose to oppose it, declaring that he had long held, and still continued to hold, the opinion that a bank formed upon proper principles, would be good for the country, and as a proof of his sincerity, he expressed his wish that the House, by agreeing to strike out the objectionable part of the bill, would justify him in agreeing to the present one. He said he had two objections to the bill: the first, the unnecessary magnitude of the capital; the other, the vesting Government with the appointment of

five of the directors. Of the first, he said, that it was unprecedented; such a capital had never in any country been given to any bank, and he considered that alone as sufficient cause for rejecting the bill, unless its advocates could demonstrate that it was necessary. Besides, the object of the bill being to restore the currency of the country to a proper condition, the remedy necessary was not one to work far hence; it must be speedy, for which this capital would not answer, as it was to come in, only in reversion; it was unalienable, either this year or in the next; and he challenged gentlemen to show that the magnitude of the capital had any necessary connection with the great object of the bill. Besides, he contended that great danger was to be apprehended from a large capital. He reminded the House that the very gentlemen who were the advocates of this capital, were the same who opposed the old United States Bank, upon the grounds that it would introduce great foreign influence; and insisted that Jay's Treaty was carried by it. Yet the capital of that bank was ten millions only—how then could they now insist upon a capital of thirty-five millions? If then there was danger in one, there was, of course, great danger in the other. The worst feature in this capital, he considered to be its connection with the influence given to Government over the direction of the bank; and to throw a light upon his intention, he said, that if any means could be adopted to take security against that undue influence, he would even now vote for the bill. That, to be useful, a bank must be independent of Government, had long been a maxim—in our own country that maxim was first established by the report of Hamilton, and was ratified by Washington, and the existence and conduct of the United States Bank for twenty-five years, confirmed and proved the correctness of the opinion. What, he asked, could be the object of the provision? Gentlemen said it was not to control the bank—and in saying so, he contended that they gave up the argument; for, as to all necessary knowledge of the transactions of the bank, that was sufficiently provided for by another provision of the bill. But if not for the purpose of exercising an undue influence in Government over the directors, he asked, what could they want it for. Mr. W. spoke at considerable length.

Mr. GROSVENOR supported the bill, and insisted that the power of appointing directors could not give to Government the influence which Mr. WEBSTER apprehended. Whatever influence those directors created, could only be exercised by being backed with the deposits of Government—take away those deposits, and the directors were nothing—for they had no control but by the influence of the deposits. As to the amount of capital he never thought it an objection; for, in order to encounter the obnoxious banks, it would be necessary for the National Bank to have a proud and commanding capital; and if it were true, as Mr. WEBSTER himself had

said, that more of active capital than seven millions could not be brought into use, the rest would be inoperative and harmless. For his own part, Mr. G. should not be afraid of a capital of a hundred millions; for he should deprecate as much as Mr. WEBSTER a real Government bank, because it would not answer the object for which this was intended—for which purpose it must be entirely independent; and he endeavored to prove, by the state of the New York banks, that the Government having a share in the direction was perfectly innocuous.

Mr. HULBERT spoke in favor of the bill.

Mr. CADY spoke as follows:

Mr. Speaker: It has been said, that the greatest evil with which our country is now afflicted, arises from the conduct of the State banks in refusing to pay their debts; and that the hope of gain will deter them from ever assuming a correct course of conduct, unless the Government shall compel them to redeem their bills in specie. And, sir, the friends of the bill upon your table insist that it will furnish a remedy for the evil which threatens ruin to our country; that it is absolutely necessary that that bill should become a law, in order to enable the Government to coerce the State banks to alter their conduct. But, sir, what security have we that this great National Bank, with a capital of thirty-five millions of dollars, will, if incorporated, be an engine in the hands of the Government, by which the State banks can be chastised for their past transgressions, and hereafter be constrained to pursue a different course? What security have we that the National Bank will not pursue the same conduct of which we complain in the State banks? It has been truly said, that they are governed by motives of interest, and will never voluntarily redeem their bills. Will not the National Bank be governed by the same motives; will it not pursue that course which promises the greatest profit? Can you hope, sir, that the magnitude of its capital will make it honest? It would be as reasonable to calculate that the ferocity of a lion would be decreased as his size was increased. What, sir, are the provisions incorporated in that bill, by which the instinct of the National Bank is to be controlled, and the bank compelled to pay its notes? There is but one single provision calculated to have that effect, but what may be found in the charter of every bank in the Union; and that provision, considering the city in which the bank is to be placed, furnishes no security that the National Bank will be more punctual in paying its debts than the State banks. The provision to which I allude is this, that the bank is made liable to pay an interest of twelve per cent. per annum on such of its bills as shall be presented for payment, and payment be refused. What, sir, would be thought of this provision, had it also provided that any person who should prosecute the bank should pay his own costs, which will amount to more than the interest of twelve per cent.? Sir, the provision would be considered useless, it would be deemed a mockery.

Yet such is the provision in effect; because this bank can only be sued in the State of Pennsylvania, where the plaintiff must pay all, or nearly all, his own costs. Had the bank been placed in New York, where defendants are obliged to pay the costs of compelling them to do justice, the amount of such costs, and the twelve per cent. interest, would have some influence in inducing the bank to pay its debts. But being placed in Philadelphia, the bank will feel protected against its creditors; it will know that no one of its creditors, for any ordinary sum, can prosecute without submitting to a loss. Sir, the bills of this bank are to be circulated in every part of the United States, and no person who resides out of the State of Pennsylvania would think of prosecuting the bank, while he could dispose of its bills for any reasonable discount. We have then no security that the National Bank, if incorporated, will pay its notes, but the probability is, that it will at once adopt the practice of the State banks, and thus render the evils of which we complain almost incurable.

Mr. OLIPHANT said that he did not intend to detain the House; it was utterly out of his power to do so, if he were ever so willing; the situation of his health would not admit of it; but that he rose merely to enter his protest, in as solemn a manner as he was able, against the doctrine advanced by the gentleman from Maryland (Mr. WRIGHT)—a doctrine which, he believed, had diffused itself extensively among members of this House—that is, that acts of Congress, and the execution of them, determined and settled the constitutional question as to the right of future legislation upon the objects of those acts, so that when the subject-matter of any former act, which had been regularly executed, should be proposed to this Legislature as the object of a new act, the question whether it be constitutional or not, was precluded from any further examination, and the Legislature bound to consider the act as authorized by the constitution. This doctrine he abhorred, and took this occasion to enter his most solemn protest against it.

Sir, said Mr. C., I have been long a member of the House of Representatives. I was a member of it at the gloomiest period of Federal times, and have been during the whole course of the Republican Administration since; and I must say, that of all the pernicious doctrines I have ever heard advanced, this, in my view, is one of the most pernicious.

Are gentlemen, said he, whose fancies are tickled with this new idea, apprised of what may be the consequence of deciding and settling constitutional questions by this standard? Do they not see that a few acts of Congress, affecting the great essential principles of personal liberty and personal property, might destroy every thing valuable in the constitution? We have, said he, already witnessed evil times, and evil times may again occur (I wish they may not be fast approaching), when such acts may

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be passed. According to this doctrine, the freedom of the press is already gone, for, by this doctrine, you declare that you have a right to revive the Sedition act whenever you please. That act had all the public recognitions spoken of as sanctioning and confirming the validity of the bank act. It was enacted in due form of legislation, carried fully into execution, as a valid law of the land, by judges and by juries, on many grievous and oppressive prosecutions; some of its victims heavily fined, and subjected to long and severe imprisonment; while the whole community submitted to the progress of its operation; and, though a large proportion of the people in some sections of the Union denounced it with expressions of abhorrence, at the same time as large a proportion, perhaps, in some other sections, made no objection to it. Thus it continued in force and operation until the expiration of the term for which it was enacted.

I have said, sir, observed Mr. C., and I feel myself justified in making the declaration, that, according to this doctrine, the freedom of the press is already gone; for, if this doctrine be correct, the constitutional authority of Congress to revive the Sedition act, or pass a similar one, is established, and the free use of the press is every moment at the mercy of the Legislature. The right no longer exists, if the use can be taken away or restrained, *ad libitum*, by an act of the Legislature, and if that act is authorized by the constitution. But, sir, continued he, the doctrine is not correct—it is grossly incorrect—it is a horrible political heresy. It is equally incorrect, equally heretical, applied to this bill.

The consequence of the establishment of such a doctrine as this, said Mr. C., would be that the constitution itself, the supreme rule, by which all Legislatures acting under it should be governed, and which they are sworn to support, in making their laws, would, in a process of time, be superseded and rendered altogether a dead letter by a series of the acts of those Legislatures; nor would it require that the series be a very long one. What a monstrous doctrine! he exclaimed. He felt himself totally unable to denounce it in terms any way adequate to its enormity. He lamented this inability, this want of physical power to expose it in such a manner as, he believed, it ought to be exposed.

MESSRS. STANFORD, HANSON, and PICKERING, also spoke against the bill, and Mr. CALHOUN concluded the debate by a few remarks in favor of it.

The question was loudly called for during the latter part of the sitting; and, being taken at a late hour, the vote on the passage of the bill was—yeas 80, nays 71, as follows:

YEAS.—Messrs. Adgate, Alexander, Atherton, Baer, Betts, Boss, Bradbury, Brown, Calhoun, Cannon, Champion, Chappell, Clarke of N. C., Clark of Ky., Clendennin, Comstock, Condict, Conner, Creighton, Crocherson, Cuthbert, Edwards, Forney, Forsyth, Gholson, Griffin, Grovenor, Hawes, Henderson, Hunger, Hulbert, Hungerford, Ingham, Irving of New

York, Jackson, Jewett, Kerr of Va., King of N. C., Love, Lowndes, Lumpkin, Maclay, Mason, McCoy, McKee, Middleton, Moore, Mosely, Murfree, Nelson of Massachusetts, Parria, Pickens, Pinkney, Piper, Robertson, Sharpe, Smith of Maryland, Smith of Virginia, Southard, Taul, Taylor of New York, Taylor of South Carolina, Telfair, Thomas, Throop, Townsend, Tucker, Ward of New Jersey, Wendover, Wheaton, Wilde, Wilkin, Williams, Willoughby, Thomas Wilson, William Wilson, Woodward, Wright, Yancey, and Yates.

NAYS.—Messrs. Baker, Barbour, Bassett, Bennett, Birdsall, Blount, Breckenridge, Burnside, Burwell, Cady, Caldwell, Cilley, Clayton, Clopton, Cooper, Crawford, Culpeper, Darlington, Davenport, Desha, Gaston, Gold, Goldsborough, Goodwyn, Hahn, Hale, Hall, Hanson, Hardin, Herbert, Hopkinson, Johnson of Virginia, Kent, Langdon, Law, Lewis, Lovett, Lyle, Lyon, Marsh, Mayrant, McLean of Kentucky, McLean of Ohio, Milnor, Newton, Noyes, Ormsby, Pickering, Pitkin, Randolph, Reed, Root, Ross, Ruggles, Sergeant, Savage, Sheffey, Smith of Pennsylvania, Stanford, Stearns, Strong, Sturges, Taggart, Tallmadge, Vose, Wallace, Ward of Massachusetts, Ward of New York, Webster, Whiteside, and Wilcox.*

* The events of the war—the difficulty about currency, loans and taxes—gave us the second Bank of the United States, and changed the relative position of the two political parties towards such an institution. The first bank, both in its inception and termination, was essentially a party measure—supported by the Federal members, opposed by the Republicans; and the argument mainly turning on its unconstitutionality, and its tendency to become a political machine. The great argument for it was, as a necessary means to carry into effect the granted powers. The financial distress of the Government during the war of 1813, seemed to favor the idea of that necessity, and changed the attitude of the Republican party, as a party, towards it—though with many exceptions. They created the second bank; and, after twenty years' experience, the same party refused to continue it; and left the country without a National Bank. Twenty years have elapsed since that time, and another period of twenty years' experience has come to decide upon the validity of the reasons on which its constitutionality and utility were made to depend; and this experience has invalidated the former. It has proved that a National Bank is not necessary to carry into effect any granted power, either in war or peace: and so the constitutional, as well as the expedient argument falls to the ground. The revival of the gold currency, and the creation of an Independent Treasury, has superseded the calls for banks—for Federal use—either State or National; and leaves nothing but the paper currency to be regulated, so as to suppress small notes, to give all the States a perfect currency. That suppression can be effected by a stamp duty, imposed as a fair measure of revenue. Banks have now become so numerous, and issue such myriads of notes, and make so much money out of the people, that they present themselves as a fit subject of permanent taxation. A moderate and uniform stamp tax on each bank note—on each piece of paper issued for currency—would have the effect. The larger notes would not feel it, the smaller could not bear it: and it would be at the option of the issuer to take his choice of the denominations he would use. A fair, uniform stamp duty would not be a *penalty*, but a *tax*, yielding, in the present universality of bank notes, a good revenue, and taxing the power which above all ought to pay—the moneyed power,

FRIDAY, March 22.

The Tariff.—Cotton Goods.

The House then again resolved itself into a Committee of the Whole, on the bill to regulate the tariff of duties—Mr. CLAY's motion to increase the duty on imported cotton cloths to thirty per cent., being still under consideration.

Mr. INGHAM said he had risen yesterday for the purpose of replying to some observations that were made by the gentleman from Louisiana, (Mr. ROBERTSON,) and also the Chairman of the Committee of Ways and Means, (Mr. LOWNDES,)—he had not intended then to occupy much of the time of the committee, and he should not abuse the indulgence he had received by doing it now.

As respects the revenue question, Mr. I. said, he had not expected to have seen the discussion assume this direction, because the great principle involved in this bill was not a revenue proposition. Congress had already provided by law for all the revenues demanded by the exigencies of the Government, and the only relation this bill could have to the revenue was, the general limit of the aggregate of the duties to be imposed. Its great primary object was to make such a modification of duties upon the various articles of importation, as would give the necessary and proper protection and support to the agriculture, manufactures, and commerce of the country. The revenue is only an incidental consideration, and it ought not to have any influence in the decision upon the proposition before the committee. With a view then, to these great objects, is it not most obviously the policy of the Government to insure to its agriculture the advantage of a home market that cannot be affected by the caprice and vexatious impositions of foreign nations? The principal raw materials used in our manufactures have become great staples of the country, the value of which would be greatly increased by a demand for them at home, as well as many other articles that cannot now find a market anywhere else. Mr. I. said he did not intend to pursue the argument on this part of the subject; it was only necessary to mention it, the intelligence of the House would supply the omission. But the manufacturing interests are vitally concerned in the fate of this bill and its details. It is believed that not less than \$100,000,000 have been invested in manufactures, in the course of the last eight or ten years, and these furnish, in times of prosperity, profitable employment to many thousands of persons who could procure subsistence in no

and which makes money by injuring the community, and especially the laboring classes, by a pestiferous issue of small paper. A stamp duty of twenty-five cents on each piece of currency paper, would probably suppress the paper circulation below the denomination of our largest gold coin—twenty dollars; and give us the full use of all our gold and silver coins.

other way; they consume vast quantities of the products of the country, and create a demand for raw materials which are imported from abroad, to an extent not easily believed by those who have no practical acquaintance with the facts; they supply substantial and valuable fabrics for the convenience and comfort of the people, which they can pay for with their surplus products, and contribute to the completion of by their own labor. The revenue question must, therefore, be considered as a minor consideration, even if it had been shown (which it has not) that the proposed duty would yield either too much or too little revenue.

Mr. LOWNDES again entered into a particular defence of the report of the committee, and the degree of encouragement which the bill proposed giving to our manufacturing establishments, and replied, in detail, to the arguments of Messrs. INGHAM and CLAY.

Mr. CLAY followed in support of his motion, and in reply to the gentlemen who had spoken in opposition to it.

Messrs. GOLD and HULBERT also successively advocated the amendment, and the expediency of extending an indubitable encouragement and security to our manufacturing citizens.

The question was then taken on Mr. CLAY's motion to increase the duty on cottons to thirty per cent. and carried—ayes 68, noes 61.

SATURDAY, March 23.

Allowance of Interest.

The SPEAKER laid before the House a report from the Secretary of War, in obedience to the resolution of the 21st instant, respecting the allowance of interest on charges against the War Department; which was read, and ordered to lie on the table.

The letter is as follows:

DEPARTMENT OF WAR, March 23, 1816.

SIR: In obedience to the resolution of the House of Representatives of the 21st instant, I have the honor to state that the general usage of the War Department has been to pay no interest upon any demand whatever, without regard to its origin.

During the latter part of the year 1814, and through the whole of 1815, the Department, being unable to discharge the multiplied and extensive demands which were made upon it, in some instances authorized different officers employed in disbursing the public money, and various contractors, to obtain money upon a loan; and, in some instances where their bills were presented and remained unpaid for the want of funds, assurances were given to the banks that interest would be paid upon them if they were taken up by them. In all such cases, interest has been paid. Interest has also been allowed upon bills drawn by contractors pursuant to their contracts, which have been protested for the want of funds. This is the only case in which it has been allowed, except upon special agreement to that effect. No distinction has been made between bills drawn for money actually received by a public agent, and for debts contracted by such agent in the course of his official duty.

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Cumberland Road.

[H. OF R.]

I have the honor to be your most obedient and very humble servant,

WM. H. CRAWFORD.

HON. HENRY CLAY, *Speaker.**Cumberland Road.*

Mr. JACKSON, from the committee to whom was referred the Message of the President of the United States, of the 12th instant, containing a statement of proceedings in relation to the execution of the act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio, made a report thereon; which was read, and committed to the Committee of the whole House on the bill making appropriations for the support of Government for the year 1816. The report is as follows:

That they have attentively considered the subject confided to them, and respectfully submit to the House the following facts and observations: It appears by an act of Congress, passed on the 1st of May, 1802, entitled "An act to enable the people of the eastern division of the Territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States, and for other purposes," that on condition that the Convention of the said State would provide by an ordinance, irrevocable without the consent of the United States, that each tract of land sold by Congress, after the 30th of June next, ensuing, shall be, and remain exempt from any tax laid by order or under authority of the State, whether for State, county, township, or any other purpose whatever, for the term of five years from and after the day of sale: the United States among other stipulations agreed to apply one-twentieth part of the net proceeds arising from the sale of said lands, from and after the said 30th of June, to the laying out and making public roads, leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said State, and through the same; such roads laid out under the authority of Congress, with the consent of the several States through which the same shall pass. It further appears that these conditions were accepted by the State of Ohio, on the 29th of November in the same year, subject, as regards the road fund, to a modification which provides that three per cent. of the net proceeds arising from the sales aforesaid should be subject to the control of the Legislature of that State, and be applied to the making roads within the same. It also appears by an act passed on the 8d of March, 1803, that this modification received the sanction of Congress; and that in pursuance of this compact a law was passed on the 28th of March, 1806, authorizing the President of the United States to appoint commissioners to lay out a road from Cumberland, or a point in its vicinity, to the river Ohio; and, on their report, to pursue such measures as in his opinion were proper, to obtain from the States through which the road was laid out, their consent to its location and completion.

It further appears to the committee that the location crossing portions of the States of Maryland, Pennsylvania, and Virginia, applications were made to their respective Legislatures, and permission was given by each, to open and establish the said road.

By the report of the Secretary of the Treasury referred to the committee, it appears that of the appro-

priations heretofore made towards completing this road, and amounting in the whole to the sum of

\$410,000 00

There have been expended \$285,786 69

Carried to the surplus fund 22,679 75

308,486 85

Leaving a balance on the 27th of February, 1816, of - - - 101,513 65

applicable to that object. And that a further appropriation of \$300,000 is recommended by that report to complete the road to Brownsville on the Monongahela River; to cover the expenses of a survey from thence by Washington and Alexandria to Wheeling, and to make the road at and from Wheeling to the one hundred and thirteenth mile tree, a distance of about twelve miles.

It also appears by the letter of the superintendent of the road to the Secretary of the Treasury, that frequent abuses are committed on the road, such as throwing down the walls, digging away the banks, &c., and he suggests that measures ought to be promptly adopted to prevent, and to punish these outrages.

This investigation suggested to the committee two points of inquiry, to which their attention has been directed. First, the necessity of protecting the work already completed against lawless violence; and, secondly, the propriety of making an ample appropriation for advancing its progress to completion, in order that the benefits it promises may soon be realized.

In considering the first point, although it appears that the Secretary of the Treasury, in his letter communicated at the last session, doubts the authority of Congress to pass any laws for punishing the offenders, the committee do not perceive any defect of jurisdiction. Without controverting the opinion that the constitution does not, in virtue of any grant of power conferred by that instrument, authorize Congress to open roads and canals in any State, it seems to be admitted by all, that if a compact be made with a State for which the nation receives an equivalent, as in this case, whereby it is agreed that a road shall be opened by the Government of the Union, and the States through which the road passes grant the right to make it, that the performance of such compact is not in contravention of that construction; as it is believed that the exercise of such power has in no instance been doubted, notwithstanding the repeated acts of legislation for a period of thirteen years. The permission of the States having been given, it follows as a necessary consequence, that all the powers obviously necessary and proper to carry the grant into complete effect and preserve it inviolable, have been conferred also. A different construction would render the consent a nullity, and exempt from punishment, as well the individuals who resisted the execution of the work, as those that afterwards destroyed it.

If the right to punish these offences belongs to the National Government, it may be effected without the passage of any law, by indictment or information in the courts of the United States; or by enacting statutory provisions fixing the penalties. It being a fundamental right of the judiciary inherent in every Government, to punish all offences against the laws passed in pursuance of a delegated power, independently of express legislative sanctions. Although the committee deem it proper to make this explicit assertion of a right which it may become necessary to exercise on some future occasion, in case of a peremp-

tory refusal by a State to pass any law upon the subject, yet as they believe no such disposition exists in relation to the road in question, and the prosecutions under State laws may be most effectual in preventing the practices complained of, because of the distances to the places where the respective Federal courts are held, they abstain from recommending at this time, the passage of any law upon that subject.

In regard to the second branch of the inquiry, viz. : the amount of appropriation proper to be made at the present session, it appears to the committee that although the fund chargeable with the reimbursement of expenditures has been anticipated, it is growing more productive every year, and will be eventually adequate to defray the expenses of completing the road.

If Congress persevere with becoming spirit in this great public work, we shall soon see one of the best roads in the world over the chains of mountains which separate the western from the Atlantic waters, and which, but a few years since, were supposed to present insurmountable obstacles to a safe and easy intercourse. The committee learn, with much satisfaction, that the State of Maryland is engaged in extending the turnpike road that reaches from Baltimore to Boonesborough, on to Fort Cumberland; and, in all probability, it will be completed before the national road from that point to the Ohio is finished.

It is not intended to expatiate at large upon the moral, political, and physical advantages of this road to the nation. They doubtless entered fully into the contemplation of the Congress by whom the original law was passed; time and experience have given the fulness of their sanctions to the wisdom of their decision; and it is alike a source of surprise and regret to the committee, that the work has been suffered, with the ample means possessed by the Government, to linger for a period of more than nine years. A vigorous prosecution of it now can alone, in any degree, repair the past neglect; and, in the estimation of the committee, no subject is more deserving the favor of Congress. They are aware of the opinion entertained by some that the Western country already holds out sufficient lures to the inhabitants of the Atlantic States to migrate thither, and that it is impolitic to contribute to their increase, which will be the effect, as it is supposed, of giving facilities to such removal. The error of this reasoning is proved by the infallible test of experience, applied to the past and present population of the States and Territories west of the mountains. The emigrant removes with intention to reside for life in his new habitation; and when he determines upon such removal, he bestows but little attention upon the inquiry whether the road on which he has to travel is a very good one, or in the condition of the principal State roads now used. This policy, therefore, although it cannot prevent him from going to the West, may, and, if persisted in, soon will materially affect his future connections with the Eastern country in all the ramifications of a mutually profitable trade and intercourse. The natural advantages of a water over a land communication for the purposes of transporting all articles of merchandise, will not be denied by any; and trade will always seek that channel which affords it the fairest prospects of realizing its legitimate profits. Whenever, therefore, land and water communication are found to possess a fair competition with each other in any country, the improvements on both must be equal to prevent the monopoly of either.

The navigation of the Mississippi and Ohio Rivers by steamboats, is now in its infancy; its success is no longer doubtful, and it is increasing with a rapidity corresponding to that success. During the last years the sugar and cotton of Louisiana were brought up by the water to Pittsburg, and, in consequence of the extraordinary demand, were transported thence in wagons to the Atlantic cities, and sold at prices affording a profit to the owner. With the great advantages of steam navigation, unless the roads across the mountains are much improved, the merchants of the Western country will cease to purchase goods from the importers at New York, Philadelphia, Baltimore, &c., and New Orleans will soon become the sole emporium of their trade.

This result never can be produced if a due attention be paid to the improvement of the means of internal communication. The rivers that take their rise in the mountains may be made navigable. In various sections of the country, the portage between them can be diminished to an inconsiderable distance, and roads passing over the entire route will present an option to the merchants as to the mode of transportation. Their connections have been formed for a considerable period. These have begotten confidence, and a mutuality of interests which bind the parties to a future intercourse, and which will not be changed unless for a positive and unequivocal benefit.

But the advantages of an intimate commercial connection, though addressed to the interest of the parties, are not the most important. Good roads have an influence over physical impossibilities. By diminishing the natural impediments, they bring places and their inhabitants nigher to each other. They increase the value of lands, and the fruits of the earth in remote situations, and by enlarging the sphere of supply, prevent those sudden fluctuations of prices, alike prejudicial to the grower and consumer. They promote a free intercourse among the citizens of remote places, by which unfounded prejudices and animosities are dissipated, local and sectional feelings are destroyed, and a nationality of character, so desirable to be encouraged, is universally inculcated.

The road, which is the subject of the particular inquiry of the committee, has additional recommendations. It leads as far as Washington, Pennsylvania, in a direct line from the Seat of Government to the important frontier of the United States on the Upper Lakes; and if, as the committee suppose, it be the true policy of the nation to have a direct military communication for the entire distance, a road can be extended from Washington, and passing, as it will, through a large extent of public lands, inducements will be held out to the Western settlers to purchase them, and by a rapid increase of the population, the necessity of keeping up a considerable military force in that quarter will be diminished, if not entirely superseded.

These constitute a part of the reasons which have induced the committee to recommend an appropriation of three hundred thousand dollars at this time, and therefore they submit the following resolution:

Resolved, That the bill entitled "An act making appropriations for the support of Government for the year 1816," be amended in the — line by inserting the following paragraph:

"For making the road from Cumberland, in the State of Maryland, to the State of Ohio, to be repaid out of the five per cent fund reserved for that purpose, \$300,000."

M CH, 1816.]

Attorney-General.

[H. OF R.]

Attorney-General.

The following Message was received from the
PRESIDENT OF THE UNITED STATES:

I transmit to the House of Representatives a report from the Secretary of the Treasury, complying with their resolution of the 29th of February last.

JAMES MADISON.

MARCH 22, 1816.

TREASURY DEPARTMENT, March 21, 1816.

The Secretary of the Treasury, to whom the President of the United States referred the resolution of the 29th of February, 1816, requesting that there be laid before the House of Representatives "a statement of the cases in which he has employed or caused to be employed, counsel to assist the Attorney-General prosecuting causes in the Supreme Court of the United States; stating, as nearly as may be, the amount of the property in dispute in each case, the names of the counsel so employed, the period of employing them, and the compensation granted to them in each case; also the manner of making such compensation, and the fund out of which the same was paid," has the honor to present the following report:

That it appears to have been the practice of the Government to employ counsel to assist the Attorney-General, and also the district attorneys, in cases of great importance, either as to the principle or as to the value involved in the controversy. Thus, for example, so early as the February term, 1796, of the Supreme Court, Alexander Hamilton received a fee of \$500 to assist the Attorney-General in maintaining the affirmative upon the question respecting the constitutionality of the carriage tax; and Alexander Campbell and Jared Ingersoll, counsel, maintaining the negative, received a fee of \$233 33, under an agreement that, for the purpose of obtaining a final decision, the United States should pay all the expenses incident to the transfer of the cause from the circuit court to the Supreme Court.

That on the 24th of March, 1804, in obedience to a resolution of the House of Representatives of the 3d of the same month, the Secretary of the Treasury presented a statement "of all the moneys which, since the establishment of the present Government, had been paid at the Treasury of the United States as fees to assistant counsel, and for legal advice in the business of the United States, in which were distinguished the several sums, when paid, for what services, and to whom paid respectively," amounting, in the whole, to the sum of \$5,022 16.

That the statement hereunto annexed, marked A, contains a like specification of all the moneys paid, or payable, at the Treasury of the United States, from the 24th March, 1804, until the present time, for the employment of counsel to assist, or to represent, the Attorney-General in causes depending in the Supreme Court of the United States, amounting, in the whole, to the sum of \$4,540.

That this Department does not possess the means of stating the amount of the property in dispute, in each case, in which assistant counsel has been employed in the Supreme Court; but it is confidently believed, from general information, that in every such case, either the value of the property was great, or the principle of the controversy was important; or the employment of assistant counsel in the cases of sickness, or other casualties, was essential to the public interests, as will more particularly appear by the notes accompanying statement A.

That the manner of making the compensation to the assistant counsel has uniformly been by issuing the warrants of the Secretary of the Treasury, founded upon the official settlement of the Comptroller and Auditor; and by paying the amount, either out of the appropriation, annually passed by Congress, "for the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury;" or out of the appropriations annually made "for the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury."

All which is respectfully submitted.

A. J. DALLAS,
Secretary of the Treasury.

STATEMENT A.

March 19, 1805.—Alexander James Dallas was employed to assist the Attorney-General in the Supreme Court, upon the argument of the case of the United States *vs.* the assignees of Blight, a bankrupt, for which he received a compensation of - - - \$500

Note.—In this case, the claim of a general priority for the satisfaction of debts due to the United States, occurred. The amount in dispute was considerable, but the principle involved was of much more importance. The Attorney-General being indisposed, the assistant counsel argued the case alone.

January 1, 1813.—Alexander James Dallas was employed to assist the Attorney-General in the case of the French Government schooner *Balou*, (formerly the *Exchange*), and generally in the business of the United States, at February term, 1812, for which he received a compensation of - - - 1,200

Note.—The *Balou* was a public armed vessel of France, attached in the port of Philadelphia by persons claiming her as their property. The case involved the important question whether such an attachment would lie; and on the remonstrance of the Minister of France, the President directed it to be brought before the Supreme Court. Mr. Pinkney, the Attorney-General, being recently appointed, requested also some general assistance in the business of the term, to prevent delay. Mr. Dallas argued the case of the *Exchange*, and ten other cases.

May 14, 1808.—Walter Jones was employed to assist the Attorney-General in the Supreme Court, upon the argument of the case of the United States *vs.* the schooner *Betsey* and *Charlotte*, William Yeaton, claimant, for which he received a compensation of - - - 200

February 7, 1814.—William Pinkney, having resigned the office of Attorney-General, was employed as counsel to argue the cases of the United States depending in the Supreme Court at February term, 1814, for which he received a compensation of - - - 1,000

Note.—Mr. Pinkney's resignation, though previously intimated, was not received until the term had commenced; and Mr. Rush, who was appointed his successor, could not take the oath of office, under his commission dated the 10th of February, 1814,

until the 12th of the same month. In accepting his appointment, it was explicitly understood that he did not undertake to argue the causes of the United States during the current term, as it would have been impracticable to read the records, and to make the necessary preparation. It was, therefore, an alternative, either to postpone the public business until the next term, or to engage the services of Mr. Pinkney, who had a previous knowledge of the records. He was accordingly engaged, and he procured decisions in many important cases, besides giving a general attention to the interests of the United States throughout the term. Mr. Pinkney's compensation has not been paid at the Treasury, but has been credited in his account as Minister at the Court of London.

November 14, 1814.—John Law was employed to prepare the statements of the cases depending before the Supreme Court at February term, 1814, for which he received a compensation of

Note.—Mr. Pinkney having only undertaken to discharge the duty of counsel, it was necessary to engage Mr. Law's services in the Solicitor's business.

February —, 1815.—Walter Jones was employed, on account of the extreme indisposition of the Attorney-General, to transact the business of the United States in the Supreme Court at February term, 1815, and a compensation has been authorized, but not yet paid, of

440

\$4,340

The Tariff—Sugar Tax.

The House then again resolved itself into a Committee of the Whole on the bill to regulate the tariff of duties.

Mr. BERRIS made a motion to strike out the words *ad valorem*, in the clause fixing the duty on woollens and cottons; which was negatived, ayes 40, noes 65.

Mr. WEBSTER submitted a motion to alter the tariff proposed on cottons; by laying a maximum duty of thirty per cent. for two years, and then gradually reducing it to — per cent. Mr. W. offered several arguments in support of his motion, but, at the suggestion of Mr. LOWNDES, he withdrew it, for the present, to wait some information which would enable the House to act more understandingly on the subject.

Mr. SMITH then moved to increase the duty on lump and loaf sugar to eighteen cents per pound—believing that the manufactories of the article now established in the United States were fully able to supply the whole country, and the duty proposed by the bill being in his opinion insufficient to protect those establishments from a successful foreign competition.

Mr. SMITH afterwards gave way to Mr. HUEB, who wished to reduce the duty of four cents per pound on brown sugar; believing that no protection was necessary to encourage the manufacture of that article, by which large fortunes were

now making, and which it was unnecessary to encourage by taxing the community for that purpose. Mr. H. then moved to strike out the proposed duty of four cents, with the view, if successful, of filling the blank with two and a half cents.

Mr. ROBERTSON said, I rise, Mr. Chairman, to oppose the motion of the gentleman from South Carolina. Before, however, I enter on my reply, I beg leave to make a few observations of a general nature, but strictly applicable to the question under consideration.

I think I am founded in saying, that the proposition of the Secretary of the Treasury, now brought forward by the gentleman from South Carolina, has resulted from inattention or forgetfulness; it can be traced to no other source; it can be executed on no other ground; for it is at war with every principle he has laid down, and violates the whole system which he professes to approve. I will not repeat his principles or his plans; they are before the eyes of every gentleman in the House. I content myself with saying again, that his plan of reduction in regard to the duty on sugar, is a clear and manifest violation of his own principles, and at war with the whole system.

The State of Louisiana, Mr. Chairman, from its happy climate and fertile soil, is competent to furnish the United States with all the sugar they may require; but that this may be done with certainty and within a short time, some encouragement is indispensable. Is any manufacture more important to the nation? Is there one which may be aided by a tax on its foreign competitor with less injustice to the community, or with greater advantage to the revenue? Gentlemen call it an agricultural product; is that sufficient to render it an object of prejudice? Have our manufacturers already, by their combinations succeeded in placing their employment on higher ground than that of the agriculturist? But, say gentlemen, why not hold out encouragement to the manufacture of flour, to the growers of rice, tobacco, wheat, &c.? Is it possible that an argument of this kind can have any weight? Is it seriously urged? Let me ask gentlemen, if tobacco, rice, and wheat were interfered with by foreign importation, whether they would not see the propriety of giving that aid, by which we should be enabled to raise these important products within our own country? Would it not be wise to do so? Would not a dependence on foreign supply for these essential articles, be fatal to our happiness and prosperity? And let them ask themselves if the cane were the favorite culture of their State, whether they would not see the propriety of sustaining it against the rival efforts of a foreign country?

I fear, Mr. Chairman, that an interest is springing up before which every other is to be prostrated; the mere manufacturer is to be preferred; whether he be a manufacturer of the raw material, produced by our own country, or that of other States, is not asked—whatever injury be done to the revenue, whatever ruin be

MARCH, 1816.]

The Previous Question.

[H. OF R.]

brought on maritime industry, however much the agriculturist suffer, the manufacturer must and will be encouraged. Does the manufacturer of wool want encouragement, foreign cloth is shut out, the value of the duties given up, and the competition, so beneficial to the consumer, is destroyed; does the farmer ask to be protected in raising sheep, so as to furnish the raw material, the necessary duty on foreign wool is denied, because it is convenient and profitable to the manufacturer to purchase wool as cheap as possible, whether it be foreign or native. Apply the same examination to other subjects—does the sugar refiner ask it, foreign refined sugar is excluded from the market by enormous duties; does the grower of the raw material solicit protection, it is denied, because it is convenient and profitable to the refiner to obtain the raw material as cheap as possible. I will detain the House no longer. I have endeavored to show that it is as important to the interests of the nation to protect the cultivation of the cane and the manufacture of sugar, as any other manufacture whatever; that, by so doing, in opposition to what will occur from augmenting the duties on imported goods generally, you encourage the commerce and navigation, and add to the revenues of the nation. I hope the motion will not prevail.

Mr. HUGER acknowledged that the statements he had just heard had done away much of his objection to the duty proposed in the bill, and if the gentleman from Louisiana could convince him that the cultivators of sugar could not go on safely without the duty, he would not press his motion further; but he apprehended the gentleman had been in some measure influenced by his feelings, and, not being a grower himself, might be misled by an imperfect acquaintance with this subject.

Mr. ROBERTSON replied at some length to Mr. HUGER, in support of his previous statement; after whom

Mr. LOWNDES made a few remarks on the same side. He argued that the manufacture of sugar demanded encouragement as strongly as any other, and that he thought the duty proposed by the bill was even too low, being a very small increase on the specific duty; and it was as necessary for the purpose of revenue as the protection of the article.

Mr. CALHOUN made a few remarks against the motion. He dwelt on the great importance of the article, and the expediency of encouraging its production in our own country, by which our supplies would be so much more certain; and he enforced particularly the necessity of encouraging all those articles at home, for which we now depended on the West Indies, to which the trade was so precarious that a proclamation from the Governor of an island might at any moment cut it off.

The question on striking out the sum of four cents was then taken, and carried—ayes 62, noes 55.

Mr. PITKIN moved to fill the blank with three cents.

Mr. FORSYTH proposed to fill it with five cents, and spoke some time in support of a high duty on the article; which, he said, would be cultivated very extensively in Georgia, if proper encouragement were given to it by the Government. Mr. F. protested also with warmth against the injustice of taxing the South to support the manufactures of the East, and yet denying to the South any security for their manufactures in return.

Mr. ROBERTSON also advocated this motion, and Mr. PITKIN opposed it; when

The question on five cents was negatived.

Mr. CLAY then moved to fill the blank with three cents and a half, but hoped some gentleman would propose to restore four cents; in favor of which Mr. C. argued at some length.

Mr. GASTON spoke a short time in opposition to the proposed duty; and earnestly entreated the House to consider those unfortunate manufacturing States, which were burdened on the one hand to encourage the manufactures of the East, and taxed on the other to protect the products of the South, &c.

After an ineffectual attempt by Mr. WOODWARD to obtain a reconsideration of the question on striking out, with the view of moving to restore four cents; his reasons for which he briefly stated,

The question on filling the blank with three and a half cents, was carried—ayes 64, noes 58.

The committee then rose, reported progress, and obtained leave to sit again.

FRIDAY, March 29.

The Previous Question.

The SPEAKER proceeded to announce, severally, the orders of the day. On calling the report of the Committee on the Standing Rules and Orders of the House, which was under discussion some weeks ago,

Mr. STANFORD moved that the House resolve itself into a Committee of the Whole on the said order.

Mr. BASSETT moved that the order be indefinitely postponed.

Mr. STANFORD said, so far as it was the object of the House to get clear of the discussion of the previous question, it might be well enough to postpone indefinitely; but the motion itself he considered as opening the whole discussion. He considered the rule unconstitutional, and oppressive upon a minority of this House; that it always called up the worst feelings in the House, and he thought the present a propitious time to get clear of it. But, he was as anxious as any other gentleman to bring the session to a close, and would therefore content himself with asking the ayes and noes upon the question; which were ordered.

Mr. JACKSON expressed his wish that the gen-

tleman from Virginia (Mr. BASSETT) would withdraw his motion.

Mr. TUCKER united in that request; not from an indisposition to express an opinion on the subject of the rule relating to the previous question, which it was the object of the mover of the order of the day to bring under consideration. He had always believed the rule an essential rule, however cautious the House should be in the exercise of it. But he was averse to this mode of acting on the question, preferring to meet it directly, and if the motion for postponement was persisted in he should vote against it.

Mr. BASSETT replied that he could not withdraw the motion. Gentlemen must perceive that it was now too late to take up the subject and go into a long debate—that subjects of a more pressing nature called for the attention of the House in order to bring the session to a close; and if the gentleman from North Carolina (Mr. STANFORD) wished to go into a discussion, he had it in his power, by a resolution to that effect.

Mr. STANFORD said that the gentleman, (Mr. B.,) and the House, knew there were other previous questions besides the main one. If he made the motion the gentleman spoke of, then followed the question of consideration, and the House had it in their power to evade the discussion at will. The other gentleman, from Virginia, (Mr. TUCKER,) declares that he thinks the rule a necessary and proper one, and ought, at times, to be resorted to. If, said Mr. S., the rule be a proper one—say a constitutional one—then it was fair to use it upon one subject as well as another, upon all subjects before the House; then we might be made a dumb Legislature complete; or we might be carried through a whole session in that way. He would forbear, however, as the ayes and noes were called, and it would be seen who were for, and who against the tyranny of this rule.

On taking the yeas and nays it was discovered that a quorum had not voted—the ayes being 56, the noes 34.

Mr. STANFORD and Mr. BASSETT then successively withdrew their motions.

Indiana and Mississippi.

The House then resolved itself into a Committee of the Whole, on the bill to enable the people of Indiana Territory to form a constitution and State government, and be admitted into the Union on the footing of the original States.

The bill received a variety of amendments in its details, and having been gone through,

The committee proceeded to take up the bill to enable the people of the Mississippi Territory to form a constitution and State government, and be admitted into the Union on an equal footing with the original States.

After adopting various amendments and rejecting others, the discussion of which consumed considerable time, the bill was got through.

The committee rose and reported the two bills with their amendments to the House.

The amendments reported to the first were successively agreed to, and the bill, as amended, was ordered to be engrossed for a third reading.

The amendments reported to the Mississippi bill were also agreed to with the exception of one adopted by the committee, on the motion of Mr. JOHNSON, reserving to the Congress the power of hereafter altering the boundary of the new State. This amendment was widely discussed, and finally disagreed to; after which, the bill was ordered to be engrossed, as amended, for a third reading; and the House adjourned.

SATURDAY, March 30.

Case of Ship Allegany.

Mr. STANFORD, from the Committee of Claims reported a bill for the relief of the house of Bowie & Kurtz, and others; which was read twice and committed to a Committee of the Whole.

Mr. STANFORD also made the following report in the case:

That Richard Forrest, as agent for the Department of State, chartered the ship *Allegany*, Captain Evolith, of the house of Bowie, Kurtz, and others of Georgetown, to take out a cargo to the Dey of Algiers, in fulfilment of our treaty with the Regency. The charter party was entered into on the 20th day of January, 1812, and stipulated the time of receiving the cargo on board in the United States, and the time of its delivery at Algiers, the amount of freight, where and how it should be paid, and all the terms of the voyage, in the most precise and formal manner, binding the memorialists, with their ship, her freight and appurtenances, to the true and faithful performance of the same, under the penal sum of twelve thousand dollars, lawful money of the United States.

After the public cargo, however, was taken on board, room was found in the cabin and other parts of the ship to admit a further shipment of coffee and spices, and the privilege of such an adventure was accorded to the owners, on their private account, in consideration of their agreeing to receive in the United States the portion of their freight which the Government was otherwise bound to pay them at Algiers, which was accordingly accepted and agreed to.

Thus chartered and loaded, the *Allegany* sailed on her destined voyage, but was soon arrested by the embargo which preceded the declaration of war, and could not proceed until a special act was passed by Congress to permit the departure of vessels in the public service. When released, she proceeded, and arrived at Algiers in good time, and, in all respects conformably to contract. The cargo was consigned to Colonel T. Lear, the Consul General of the United States near the Dey and Regency of Algiers.

He states, in his communication to the Government on this subject, that the Dey and his officers at first appeared well pleased with the arrival of the *Allegany*; that the articles on board were at the time much needed; and that on the 20th of July (the third day after the arrival of the ship) the Minister of the Ma-

MARCH, 1816.]

Indiana and Mississippi Territory.

[H. OF R.]

fine sent off a lighter, and actually received from on board the ship a considerable quantity of plank and spars, and proceeded to the landing place of the Marine.

Until now, every thing appeared to be going on well, when, of a sudden, the temper and conduct of the Dey assumed the reverse aspect. He at once affects to be disappointed in the quantity of gunpowder and cables which had been sent to him; directs the lighter to be sent back to the ship with the plank and spars received, and at the same time sends a peremptory order "that the *Allegany* should depart from Algiers in three days, and take with her our Consul General, and all other citizens of the United States then at Algiers."

Against this violent proceeding remonstrances were made by Colonel Lear, but all was in vain—no argument availed any thing. Instead of relaxing, he went still further, and demanded a cash payment of \$27,000, which he insisted, according to the Mahometan year, was the balance due upon his annuities. Our Consul contended that \$15,827 was all that was due, and that the cargo of the *Allegany*, if received, was more than sufficient to discharge it. But the Dey refused to have any thing to do with the cargo, or to suffer it to be sold at Algiers. He did, however, extend the time two days longer for the departure of the ship, and then repeated his mandate, that if within the time, "the demanded balance was not paid into his treasury, and the ship did not depart, with the Consul, his family, and all the other Americans on board, he would detain them in slavery, confiscate the ship and cargo, and declare war against the United States."

Under this unpleasant alternative, Colonel Lear determined to raise the money, if possible, and depart accordingly. The house of Bacri was the only one where he could obtain the money for a bill on Gibraltar, and he drew one on John Salvino, Consul of the United States at that place, giving Bacri to understand that he bottomed the credit and reputation of the bill on the cargo of the *Allegany*, so far as it would go, who expressed his confidence in the pledge, and advanced the money; and the ship was then, early on the morning of the 25th of July, within the prescribed time, carried by an Algerine captain and crew out of the port, whence she proceeded to Gibraltar.

Captain Evelith, of the *Allegany*, yielding to the necessity of the case, states in his protest that he should abandon the ship to the United States, and consider her as in their service and at their risk, but would navigate her under Colonel Lear's control and direction. Colonel Lear admits that, although he does not recollect any formal abandonment of the ship, Captain Evelith did submit her to his destination and control, and that he directed her to Gibraltar, a place from whence he could better serve the interests of the United States in sending out information of the events at Algiers to our different Consuls in the Mediterranean, in disposing of the *Allegany's* cargo, and providing to meet the bill which he had drawn on that place.

The committee have thus given as brief a view of the case of the *Allegany* as the history of the case would admit. Considering that she was chartered by the Government, and performed the stipulated voyage to their entire satisfaction; that she was then, by the arbitrary power of the Dey, compelled, not chartered, into their further service, and that, too, to save their citizens and their property from Algerine

seizure; sent upon a new voyage, as opposed to the interests of the owners as it was contrary to the instructions given to their commander; that she was thus diverted from her proper destination, and thrown into the hands of a different enemy, where she was seized and ultimately condemned, ship and cargo, to the serious disadvantage and loss of the memorialists—the committee are impressed with the justice of their claim, and are of opinion that they are entitled to indemnity in this case, when they reflect that the Government has awarded relief in similar cases recollected, and particularly in the cases of the *Anna Maria*, of New York, and the *Resource*, of Baltimore, vessels employed in the same service, and suffered in like manner by the arbitrary conduct of some one or other of the Barbary Powers.

They therefore beg leave to report a bill for the relief of the memorialists in the present case.

Indiana Territory.

An engrossed bill, entitled "An act to enable the people of the Indiana Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," was read the third time, and on the question, "Shall this bill pass?" it passed in the affirmative—yeas 108, nays 8.

Mississippi Territory.

An engrossed bill, entitled "An act to enable the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," was read the third time.

A short debate took place, arising from some objections made to the bill by Mr. STANFORD, who was opposed to it because it contained no provision for the future division of the Territory, which he thought entirely too large, considered in relation to the other States, and in time would be too powerful if it continued an undivided State; and he wished the bill might be recommitted for amendment in that particular.

Mr. STANFORD was replied to by Messrs. LATIMORE and HARDIN, who argued that the Territory, it was believed, had a sufficient population to entitle it to a State constitution; at any rate, it would the next session have enough to demand admission into the Union, and it was as well to grant that now, with a good grace, which in so short a time Congress would be unable to refuse; that if the Territory be now divided, it would be twenty years before the half of it would be able to ask a State government; that from the immense quantities of barrens unfit for cultivation, and the great quantity of Indian lands it contained, it would be a very long time before its population would, if ever, exceed that of any other State; that it was good policy to encourage by every means the population of that section of the country, to be able promptly to repel an enemy where attacks would very probably be made; that it was an older Territory than Indiana, in whose favor a bill had just passed, with scarcely a dissenting voice.

Mr. JOHNSON, of Kentucky, also opposed the recommitment, and advocated the passage of the bill, though he was decidedly of opinion that Congress ought to retain the power of altering the boundary of the new State hereafter, if they should deem the alteration necessary; but the House having yesterday decided against such a reservation, he thought it wrong to impede the passage of the bill.

Mr. J. supported his opinions by a variety of arguments; after which the bill passed, by yeas and nays—for the passage 70, against it 58.

MONDAY, April 1.

General Appropriation Bill—Pay of Members.

The House, on motion of Mr. LOWNDES, resolved itself into a Committee of the Whole, on the bill making appropriations for the support of Government for the year 1816.

In filling up the blank in the bill, left for the appropriation for the payment of the members of Congress, some debate arose as to the manner of drawing this compensation. The act lately passed to alter the mode of compensating the members of Congress, declares that they shall receive an "annual" salary of one thousand five hundred dollars; and in a subsequent clause, provides that the compensation shall be "certified and made in the manner heretofore provided by law;" the custom under the former law was to pay the members from time to time as the services were rendered.

Mr. L., in obedience to instructions from the Committee of Ways and Means, and in accordance with what he understood to be the construction given to the act by the Attorney-General, moved to fill the blank with a sum sufficient to defray the compensation for the year ending on the 4th of March, 1816, and making no provision for the services which would intervene between that period and the end of the next session.

This construction of the act was disputed by Mr. CLAY, the Speaker. He thought that the members, whenever they could exhibit evidence of the rendition of services, had a fair claim for a due proportion of the annual salary. Such had been the practice heretofore; and if the rule laid down by the Attorney-General were adopted, a member who happened to come into Congress after the 4th of March, would receive nothing until the next March. Against the inconvenience and hardships of this construction, Mr. C. argued at some length; and for the purpose of making an appropriation out of which to compensate the members for the remainder of this session, and part of the next, moved to fill the blank with a sum adequate to meet that object. Mr. C. added, that as the public interest would be unaffected by this decision, let either construction of the act be adopted, he saw no objection to pursuing the course he proposed, without, however, allowing any member to draw so much of the salary as would bring him at any time in debt to the Government.

Mr. JOHNSON, of Kentucky, differed both from the Speaker and the Attorney-General in this, that the compensation given to members was intended to embrace a whole session, long or short; but as it made no difference to the United States, and that construction had been given, he should acquiesce, and vote for the appropriation, provided an amendment which he had drawn up should be adopted, which did not interfere with the construction given, and was indispensable to do justice to the Government, and to certain members who had not attended the whole session; which amendment was intended to make a deduction from the compensation of members for absence, in the proportion that absence bore to the whole days of the session.

Mr. JACKSON explained the views of the select committee, when they originally reported in favor of changing the mode of compensation; and concurred in the construction given by Mr. CLAY.

Mr. SMITH, of Maryland, also concurred in the construction of the law given to it by the Speaker. According to the other interpretation of it, if the members were called here to an extra session, they would be obliged to bring money in their pockets to defray their expenses, as they could receive no compensation until the end of the year.

Mr. GASTON thought it not of much importance which construction was adopted; but stated the reasons that induced him to believe the construction given by the Attorney-General the true one. Mr. G. compared the terms of the several acts on this subject, to establish what he believed the proper construction, and to show that Mr. CLAY's could not be sustained.

Mr. WRIGHT thought it entirely unnecessary to dispute about the construction of the late law. Congress had voted to its members a certain annual compensation, which might be viewed in the light of a contingent fund, and it was perfectly competent for Congress to direct in what way, and in what proportions, that compensation should be drawn.

The committee then agreed to the amendment proposed by Mr. CLAY, and filled the blank in the bill accordingly.

TUESDAY, April 2.

The Tariff—Cotton Goods.

On motion of Mr. LOWNDES, the House proceeded to consider the report of the Committee of the Whole, on the bill to regulate the duties on imports.

Mr. FORSYTH then moved to strike out the whole of the amendment adopted by the committee to graduate the duty on imported cottons, (by laying a duty of thirty per cent., for two years, from the 30th of June, of twenty-five per cent. for two years thereafter, and then of twenty per cent.,) except the last-named sum; in other words, to reduce the duty on cottons to twenty per cent. from June next.

This motion, involving the general question

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of the degree of protection proper to be afforded to domestic manufactures—

Mr. GASTON rose, and delivered his opinions in opposition to the policy of burdening the community by an extravagant duty on imports, for the purpose of encouraging domestic manufactures. Mr. G. spoke about an hour.

Mr. CUTHBERT followed on the same side of the question, in a speech of about the same length; when the question was decided in the negative—yeas 65, nays 69, as follows:

YEAS.—Messrs. Archer, Baer, Barbour, Bassett, Breckenridge, Bryan, Caldwell, Champion, Cilley, Clarke of North Carolina, Clayton, Culpeper, Cuthbert, Edwards, Forney, Forsyth, Gaston, Goldsborough, Hale, Hall, Hardin, Heister, Henderson, Herbert, Huger, Hungerford, Jewett, Johnson of Virginia, Kerr of Virginia, Lewis, Love, Lovett, Lowndes, Lyon, McCoy, McKee, Middleton, Moore, Mosely, Murfree, Nelson of Massachusetts, Nelson of Virginia, Noyes, Pickens, Pickering, Pleasants, Randolph, Roane, Root, Ross, Smith of Virginia, Stanford, Stearns, Sturges, Tate, Taylor of North Carolina, Telfair, Thomas, Vose, Ward of Massachusetts, Wilcox, Wilde, Woodward, Wright, and Yancey.

NAYS.—Messrs. Adgate, Alexander, Atherton, Bateman, Baylies, Bennett, Betts, Birdsall, Boss, Brooks, Calhoun, Chappell, Comstock, Crawford, Creighton, Crocheron, Darlington, Davenport, Deaha, Gold, Griffin, Hahn, Hammond, Hawes, Hopkinson, Hulbert, Ingham, Johnson of Ky., Kent, Langdon, Lyle, Maclay, Marsh, Mason, Mayrant, McLean of Kentucky, Milnor, Newton, Ormsby, Parria, Pinkney, Piper, Pitkin, Powell, Reed, Reynolds, Ruggles, Sergeant, Savage, Schenck, Sharpe, Smith of Maryland, Southard, Taggart, Taul, Throop, Townsend, Wallace, Ward of New York, Ward of New Jersey, Wendover, Willoughby, and Thomas Wilson.

WEDNESDAY, April 3.

The Tariff—Cotton Goods.

The House then took up the unfinished business of yesterday, being the bill to regulate the duties on imports—Mr. WRIGHT's motion, to exclude from voting all members concerned in manufacturing, being still under consideration.

Mr. HARDIN moved still further to amend the original motion by making the duty twenty-five per cent. for two years after June, and twenty per cent. thereafter.

Mr. PICKERING argued a short time against an extravagant duty, as unnecessary for a reasonable protection, not believing that the existing manufactures required a duty of twenty-five per cent. for two years; after which the question on Mr. HARDIN's motion was decided in the affirmative—yeas 84, nays 60, as follows:

YEAS.—Messrs. Archer, Atherton, Baer, Barbour, Bassett, Bradbury, Breckenridge, Burnside, Champion, Chappell, Cilley, Clarke of North Carolina, Clayton, Culpeper, Cuthbert, Edwards, Forney, Forsyth, Gaston, Goldsborough, Goodwyn, Grosvenor, Hale, Hall, Hanson, Hardin, Hawes, Heister, Henderson, Herbert, Hopkinson, Huger, Hungerford, Jewett, Johnson of Va., Kent, Kerr of Virginia, King of North Carolina, Langdon, Law, Lewis,

Love, Lovett, Lowndes, Lumpkin, Lyon, McCoy, McKee, Middleton, Moore, Mosely, Nelson of Massachusetts, Nelson of Virginia, Noyes, Pickens, Pickering, Pinky, Pleasants, Randolph, Reed, Roane, Root, Ross, Ruggles, Sheffield, Smith of Maryland, Smith of Virginia, Stearns, Stuart, Sturges, Taggart, Tate, Taylor of South Carolina, Telfair, Thomas, Vose, Ward of Massachusetts, Webster, Whiteside, Wilcox, Wilde, Woodward, Wright, and Yancey.

NAYS.—Messrs. Adgate, Alexander, Baker, Bateman, Baylies, Bennett, Betts, Birdsall, Boss, Brooks, Calhoun, Chipman, Clendennin, Comstock, Conner, Crawford, Creighton, Crocheron, Darlington, Davenport, Deaha, Glasgow, Gold, Griffin, Hahn, Hulbert, Ingham, Irwin of Pennsylvania, Jackson, Johnson of Kentucky, Lyle, Maclay, Marsh, Mason, Mayrant, McLean, Milnor, Newton, Parria, Piper, Pitkin, Powell, Reynolds, Sergeant, Savage, Schenck, Sharpe, Southard, Strong, Taul, Throop, Townsend, Wallace, Ward of New York, Wendover, Wheaton, Wilkin, Willoughby, William Wilson, and Yates.

Mr. MASON then moved further to amend the amendment by striking out the minimum duty of twenty per cent. and the limitation to the twenty-five per cent., as reported originally by the Committee of Ways and Means.

Mr. HARDIN opposed this motion, and wished he could ascertain what gentlemen really wanted. They first voted for thirty per cent. for two years, then for twenty-five, for the same period, and he had no doubt they would next be very willing to accept twenty per cent. Their policy seemed to be to get all they could and keep what they got.

Mr. HULBERT replied to Mr. HARDIN, denying any impropriety in the course adopted by the friends of the manufacturers; showing that they had asked no further protection than the Secretary of the Treasury, after long inquiry, made by the order of Congress, and mature preparation, had recommended as a proper and necessary encouragement; that the House have decided against the thirty-three per cent. reported in the tariff of the Secretary, they wished only now to bring back the duty to what was reported by the Committee of Ways and Means.

Mr. GASTON replied to some previous remarks of Mr. HULBERT, and stated a fact, that a majority of the Committee of Ways and Means were at first in favor of twenty per cent. only until the day of the report, when a compromise had taken place with the gentlemen who wish a higher duty, and twenty-five per cent. was reported in the bill.

Mr. TELFAIR: On the subject of impost I hold it a sound general rule that no other or higher duties should be laid than are both necessary and proper for the purposes of revenue. To attempt more, necessarily increases the inducements to smuggling; and if the encouragement of manufactures be the object, it is, in effect, to plunge on the wide ocean of uncertainty, guided by factitious lights, emanating from the selfishness alone of those who tender them, and which never can be relied upon for the purposes of wise legislation.

I will not deny but that, in the imposition of duties for the purposes of revenue, it is wise so to select your objects, that while the original intent is secured, the interest of the manufacturer may be regarded as an incidental consideration. But what is the character of the measure before you? Instead of contemplating the protection and encouragement of manufactures as secondary or collateral, it refers to them as the primary and essential cause of legislation; instead of the benefits flowing to them being considered merely as some alleviation of burdens, made necessary by the wants of the Government, their encouragement has, in the whole course of the discussion, been placed in the foreground, and admitted to be the principal object for which so enormous a tax is laid upon the people of this country—a tax, the proceeds of which, so far as it means protection, are never to enter the coffers of the nation, but, by a species of magic, transferred from the hands of the consumer into those of the manufacturer—paid by the people, indeed, but not for the purposes of Government.

Sir, I deem it unsafe to legislate for particular interests. Did not the interest of the merchant and the planter suffer under those very causes which cherished the manufacturer? While the latter was accumulating wealth, were not the former consuming their capital? And because they now begin to derive a profit, is it wise and just in us to rob them of it by increasing the expenses of articles of consumption, merely to contribute such a bounty to the manufacturer as will enable him to derive something like his accustomed profits? And upon what evidence are you about to award the protection asked for? You are told by the persons interested, that, without some aid from the Government, it would be impossible for them to sustain the shock of foreign importations which threatens to overwhelm them. They exhibit to you no particular statements, but in general call for duties, almost amounting to prohibition, of the articles upon which they are laid. You are not advised of the expenses they have incurred in founding their establishments; of the price of labor to be employed in supporting them; of the cost of the raw material; of the profit which they are in the habit of enjoying, or which may be necessary for them to outlive the storm. But, in your munificence, you are about to allow, by way of bounty, five per cent. more than is required for revenue upon cottons and woollens, which is as much as the duties during the war, and one hundred per cent. more than those prior to the war. In words you are called upon for protection, but what are the ideas involved in this phrase? Why, that the planter of this country, who consumes the article manufactured, shall be made to pay the difference between the wages of labor in the factory and field, together with the difference of profit which superior skill in the foreign manufacturer gives over the manufacturer of this country. In one word, all articles are made

dear to the consumer, whether of foreign or domestic fabrication, merely that the manufacturer may derive a profit upon his capital.

The amount of surplus duty has been fairly, and has been truly, estimated at five millions of dollars; for, in estimating the sacrifices made by the people of this country, it is but just to add the amount laid beyond the requisitions of the revenue to the deficit which will arise from its operation as a prohibition to importations—for the latter must be made up by other objects of taxation; and, therefore, so much of the land, as well as other taxes, as may be necessary to make up this deficit, may, and ought to be taken into the estimate which attempts to appreciate the bounty which the people have to pay, in order to satisfy the cupidity of a few manufacturers, and to give trial to the theory of a few politicians.

Mr. GOLD.—Arkwright's machinery has produced a revolution in the manufacture of cotton; the invention is so excellent, the effect in saving labor so immense, that five or six men are sufficient for the management of a factory of two thousand spindles, spinning one hundred thousand pounds of twist or yarn yearly; the other hands are mere children, whose labor is of little use in any other branch of industry. The nation which does not avail itself of this machinery, and pays another nation for fabrics produced by it, sacrifices, in the situation the United States are now placed, the entire value of the abridged labor saved by the machinery. It is a maxim of political economy, laid down by Sir James Stewart, that "a nation ought to restrain by duty on importation, that which may be produced at home, and to manufacture as much as possible of the raw material."

The same writer says, that a *new manufacture* cannot be established without encouragement, without restraint on importation; old establishments in possession of the ground, in possession of capital, (a most important consideration,) in possession of extended machinery, with all the fruits of experience in skill and economy, actuated by a *jealousy* against rival establishments, rising into competition, which never sleeps; never did cease in any age or country, to exert their undivided force upon these rival establishments, and for a time to make sacrifices in the sale of their goods.

The enlightened Secretary stands fully supported in his opinions by the annals of the Board of Trade of Great Britain, and in the correspondence of the Provincial Governors in America with that Board, (as recorded by Anderson on Commerce,) for above half a century. The great Earl of Oatham, the least hostile of the British Ministry to America, in his speech in the House of Lords on the address to the King in 1770, (2d vol. of his life, p. 92,) declares his great alarm for the manufacturing interests of Great Britain, at the first efforts at manufactures in America. The same alarm was manifested at the non-importation associations of the

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American Colonies under the stamp act of 1765, and those associations forced from the Ministry the repeal of that darling measure.

Mr. Brougham, a distinguished British writer, in his "inquiry," published in 1808, states, that "the mere hat manufactory of Massachusetts was an object of jealousy to the British Legislature." He further states, that "statutes were passed in the reign of George the 2d, prohibiting the erection of furnaces, &c., in America."

An honorable member of this House from Connecticut, in his invaluable treatise on "Statistics," recently published, pages 5, 8, and 9, has given a just description of the continuing hostile policy of Great Britain to American manufactures.

Upon what other principle, sir, can it be, that hitherto double duties have added nothing to the price of cottons in the market?

I beg leave, sir, now to refer to the Parliamentary history of the interesting events which led to the entire exclusion of India cotton fabrics from consumption in Great Britain. In this we shall find a picture of our own times, the same causes occurring to oppress manufactures, and a remedy much more severe for the evil is now proposed. I refer, sir, to the 6th vol. pages 877 and 941 of Anderson's Commerce, continued by Combe, under the year 1787. From this history the following facts appear:

That Arkwright's machinery, then recently invented, had produced a revolution in the cotton manufacture.

That such are the difficulties attending the establishment of new manufactures, that, had India cottons continued to be imported, it would have destroyed the cotton manufactures of Great Britain.

That the East India Company actually reduced the prices of their goods above 20 per cent., for the purpose of underselling and ruining the British manufacture.

This same East India Company is now raising the same weapon against the American manufactures, aided in this by Great Britain, which that Company wielded against the British in 1787, and the effect in prostrating them is as certain. If the British factories could not stand against the East India importation, how is it possible that the American can?

The present ruinous state of our cotton factories, and that many of them are wholly suspended, others partially, must be known to many members of this House, who have no concern in the establishments. He who listens to and acts upon suggestions to the contrary, will hereafter experience deep regret.

Mr. SMITH, of Maryland, then proposed to make the limit of the twenty-five per cent. duty three years, instead of two.

This motion was carried, ayes 79, noes 71—and then the amendment of the Committee of the Whole, as amended, (twenty-five per cent. for three years, and twenty per cent. thereafter,) was agreed to by a large majority.

Sugar Duty.

Mr. STEARNS moved that the amendment of the committee, which reduced the duty on brown sugar to three and a half cents per pound be amended, by further reducing the duty to two cents per pound. This motion was decided, by yeas and nays, in the affirmative—for the amendment 86, against it 56, as follows:

YEAS.—Messrs. Baer, Bateman, Baylies, Bennett, Birdsall, Boss, Bradbury, Brooks, Burnside, Champion, Chappell, Cilley, Clarke of N. Carolina, Clayton, Clendennin, Comstock, Cooper, Crawford, Crocherson, Culpeper, Darlington, Davenport, Edwards, Forney, Gaston, Glasgow, Goldsborough, Goodwyn, Grosvenor, Hahn, Hale, Heister, Herbert, Hopkinson, Huger, Hungerford, Jewett, Kent, Kerr of Virginia, King of North Carolina, Langdon, Law, Lewis, Love, Lovett, Maclay, Marsh, McKee, Milnor, Mosely, Nelson of Massachusetts, Nelson of Virginia, Noyes, Parria, Pickering, Piper, Pitkin, Pleasants, Randolph, Reed, Roane, Ross, Ruggles, Sergeant, Savage, Shafey, Smith of Virginia, Southard, Stearns, Sturges, Taggart, Townsend, Vose, Wallace, Ward of Massachusetts, Ward of New York, Webster, Wendover, Whiteside, Wilcox, Wilkin, Willoughby, William Wilson, Woodward, Wright, and Yancey—86.

NAYS.—Messrs. Adgate, Alexander, Archer, Atherton, Baker, Barbour, Bassett, Betts, Caldwell, Calhoun, Chipman, Conner, Creighton, Cuthbert, Desha, Forsyth, Gold, Griffin, Hall, Hammond, Hardin, Hawes, Henderson, Hulbert, Ingham, Jackson, Johnson of Virginia, Johnson of Kentucky, Lowndes, Lumpkin, Lyle, Lyon, Mason, Mayrant, McCoy, McLean of Kentucky, Middleton, Moore, Newton, Ormsby, Pickens, Pinkney, Powell, Reynolds, Root, Schenck, Sharpe, Smith of Maryland, Strong, Paul, Taylor of South Carolina, Telfair, Thomas, Wilde, Thomas Wilson, and Yates—56.

The duty on lump sugar, on motion of Mr. SMITH of Maryland, was then reduced to ten cents per pound, instead of twelve, as reported by the Committee of the Whole.

A motion was made by Mr. PICKERING, so to amend the proviso adopted by the committee respecting India cottons, as to admit all importations from India, within one year after the 30th June next, on their paying 25 per cent. on the cost of the goods in India, with the addition of the usual 20 per cent.; in other words, to reduce the amount to the old double duty.

Mr. P. advocated his motion at some length, and was supported with zeal by Mr. WARD, of Massachusetts, who argued that it would be unjust to ruin one class of citizens to benefit another, which would be the effect, if those merchants who had sent out orders to India were subjected to the heavy duty reported by the committee.

Before the question on this amendment was taken, a motion was made and carried to adjourn.

THURSDAY, April 4.

The Tariff—Cotton Goods.

The House resumed the consideration of the

report of the Committee of the Whole, on the bill to regulate the duties on imports.

Mr. Randolph's Motion to strike out the Minimum Clause in the duty on Cotton Goods.

MR. RANDOLPH moved to strike out so much of the proviso of the second session as fixes the minimum price of cotton goods (except nankeens directly from China) at twenty-five cents per square yard.

Mr. R. then entered into a pretty wide discussion of his motion, avowing his willingness to encourage, as far as was proper, those manufactures of cloths conducted in the families of our citizens, and argued against the propriety of promoting the manufacturing establishments to the extent, and in the manner proposed by the bill, and against laying up eight thousand tons of shipping now employed in the East India trade, and levying an immense tax on one portion of the community to put money into the pockets of another.

MR. CALHOUN.—The debate heretofore on this subject, has been on the degree of protection which ought to be afforded to our cotton and woollen manufactures; all professing to be friendly to those infant establishments, and to be willing to extend to them adequate encouragement. The present motion assumes a new aspect. It is introduced professedly on the ground that manufactures ought not to receive any encouragement, and will, in its operation, leave our cotton establishments exposed to the competition of the cotton goods of the East Indies, which, it is acknowledged on all sides, they are not capable of meeting with success, without the proviso proposed to be stricken out by the motion now under discussion. Until the debate assumed this new form, he had determined to be silent; participating, as he largely did, in that general anxiety which is felt, after so long and laborious a session, to return to the bosom of our families. But on a subject of such vital importance, touching, as it does, the security and permanent prosperity of our country, he hoped that the House would indulge him in a few observations. He regretted much his want of preparation—he meant not a verbal preparation, for he had ever despised such, but that due and mature meditation and arrangement of thought, which the House is entitled to on the part of those who occupy any portion of their time. But whatever his arguments might want on that account in weight, he hoped might be made up in the disinterestedness of his situation. He was no manufacturer; he was not from that portion of our country supposed to be peculiarly interested. Coming, as he did, from the South, having, in common with his immediate constituents, no interest but in the cultivation of the soil, in selling its products high, and buying cheap the wants and conveniences of life, no motive could be attributed to him but such as were disinterested.

He had asserted, that the subject before them was connected with the security of the country

It would, doubtless, by some be considered a rash assertion; but he conceived it to be susceptible of the clearest proof, and he hoped, with due attention, to establish it to the satisfaction of the House.

The security of a country mainly depends on its spirit and its means; and the latter principally on its moneyed resources. Modified as the industry of this country now is, combined with our peculiar situation, and want of a naval ascendency, whenever we have the misfortune to be involved in a war with a nation dominant on the ocean, and it is almost only with such we can at present be, the moneyed resources of the country, to a great extent, must fail. He took it for granted, that it was the duty of this body to adopt those measures of prudent foresight which the event of war made necessary. We cannot, he presumed, be indifferent to dangers from abroad, unless, indeed, the House is prepared to indulge in the phantom of eternal peace, which seemed to possess the dream of some of its members. Could such a state exist, no foresight of fortitude would be necessary to conduct the affairs of the Republic; but as it is the mere illusion of the imagination—as every people, who ever has or ever will exist, are subjected to the vicissitudes of peace and war, it must ever be considered as the plain dictate of wisdom, in peace to prepare for war. What, then, let us consider, constitute the resources of this country, and what are the effects of war on them? Commerce and agriculture, till lately, almost the only, still constitute the principal sources of our health. So long as these remain uninterrupted, the country prospers; but war, as we are now circumstanced, is equally destructive to both. They both depend on foreign markets, and our country is placed, as it regards them, in a situation strictly insular; a wide ocean rolls between. Our commerce neither is nor can be protected by the present means of the country. What, then, are the effects of a war with a maritime power—with England? Our commerce annihilated, spreading individual misery, and producing national poverty; our agriculture cut off from its accustomed markets, the surplus product of the farmer perishes on his hands; and he ceases to produce, because he cannot sell. His resources are dried up, while his expenses are greatly increased; as all manufactured articles, the necessaries as well as the conveniences of life, rise to an extravagant price. The recent war fell with peculiar pressure on the growers of cotton and tobacco, and other great staples of the country; and the same state of things will recur in the event of another, unless prevented by the foresight of this body. If the mere statement of facts did not carry conviction to any mind, as he conceived it is calculated to do, additional arguments might be drawn from the general nature of wealth. Neither agriculture, manufactures, nor commerce, taken separately, is the cause of wealth; it flows from the three combined, and cannot exist without each. The wealth of any single

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nation, or any individual, it is true, may not immediately depend on the three, but such wealth always presupposes their existence. He viewed the words in the most enlarged sense. Without commerce, industry would have no stimulus; without manufactures, it would be without the means of production; and without agriculture, neither of the others can subsist. When separated entirely and permanently, they perish. War in this country produces, to a great extent, that effect; and hence the great embarrassments which follow in its train. The failure of the wealth and resources of the nation necessarily involved the ruin of its finances and its currency. It is admitted, by the most strenuous advocates on the other side, that no country ought to be dependent on another for its means of defence; that, at least, our musket and bayonet, our cannon and ball, ought to be of domestic manufacture. But what, he asked, is more necessary to the defence of a country than its currency and finance? Circumstanced as our country is, can these stand the shock of war? Behold the effect of the late war on them! When our manufactures are grown to a certain perfection, as they soon will under the fostering care of Government, we will no longer experience these evils. The farmer will find a ready market for his surplus produce; and, what is almost of equal consequence, a certain and cheap supply of all his wants. His prosperity will diffuse itself to every class in the community; and instead of that languor of industry, and individual distress now incident to a state of war, and suspended commerce, the wealth and vigor of the community will not be materially impaired. The arm of Government will be nerved, and taxes in the hour of danger, when essential to the independence of the nation, may be greatly increased; loans, so uncertain and hazardous, may be less relied on; thus situated, the storm may beat without, but within all will be quiet and safe. To give perfection to this state of things, it will be necessary to add, as soon as possible, a system of internal improvements, and at least such an extension of our navy as will prevent the cutting off our coasting trade. The advantage of each is so striking, as not to require illustration, especially after the experience of the recent war. It is thus the resources of this Government and people would be placed beyond the power of a foreign war materially to impair. But it may be said, that the derangement then experienced resulted, not from the cause assigned, but from the errors or the weakness of the Government. He admitted that many financial blunders were committed, for the subject was new to us; that the taxes were not laid sufficiently early, or to as great an extent as they ought to have been; and that the loans were in some instances injuriously made; but he ventured to affirm, that had the greatest foresight and fortitude been exerted, the embarrassment would have been still very great; and that even under the best management, the total derangement which was

actually felt would not have been postponed eighteen months, had the war so long continued. How could it be otherwise? A war, such as this country was then involved in, in a great measure dries up the resources of individuals, as he had already proved; and the resources of the Government are no more than the aggregate of the surplus incomes of individuals, called into action by a system of taxation. It is certainly a great political evil, incident to the character of the industry of this country, that, however prosperous our situation when at peace, with uninterrupted commerce, and nothing then could exceed it, the moment that we were involved in war the whole is reversed. When resources are most needed; when indispensable to maintain the honor, yes, the very existence of the nation, then they desert us. Our currency is also sure to experience the shock, and becomes so deranged, as to prevent us from calling out fairly whatever of means is left to the country. The result of a war in the present state of our naval power, is the blockade of our seacoast, and consequent destruction of our trade. The wants and habits of the country, founded on the use of foreign articles, must be gratified; importation to a certain extent continues, through the policy of the enemy, or unlawful traffic; the exportation of our bulky articles is prevented, too; the specie of the country is drawn to pay the balance perpetually accumulating against us; and the final result is a total derangement of our currency.

To this distressing state of things there were two remedies, and only two; one in our power immediately, the other requiring much time and exertion; but both constituting, in his opinion, the essential policy of this country; he meant the Navy, and domestic manufactures. By the former, we could open the way to our markets; by the latter, we bring them from beyond the ocean, and naturalize them. Had we the means of attaining an immediate naval ascendancy, he acknowledged that the policy recommended by this bill would be very questionable; but as this is not the fact—as it is a period remote, with any exertion, and will be probably more so, from that relaxation of exertion, so natural in peace, when necessity is not felt, it became the duty of this House to resort, to a considerable extent, at least as far as is proposed, to the only remaining remedy. But to this it has been objected, that the country is not prepared, and that the result of our premature exertion would be to bring distress on it, without effecting the intended object. Were it so, however urgent the reasons in its favor, we ought to desist, as it is folly to oppose the laws of necessity. But he could not for a moment yield to the assertion; on the contrary, he firmly believed that the country is prepared, even to maturity, for the introduction of manufactures. We have abundance of resources, and things naturally tend at this moment in that direction. A prosperous commerce has poured an immense amount of commercial capital into this country. This capi-

tal has, until lately, found occupation in commerce; but that state of the world which transferred it to this country, and gave it active employment, has passed away, never to return. Where shall we now find full employment for our prodigious amount of tonnage; where markets for the numerous and abundant products of our country? This great body of active capital, which for the moment has found sufficient employment in supplying our markets, exhausted by the war, and measures preceding it, must find a new direction; it will not be idle. What channel can it take but that of manufactures? This, if things continue as they are, will be its direction. It will introduce a new era in our affairs, in many respects highly advantageous, and ought to be countenanced by the Government. Besides, we have already surmounted the greatest difficulty that has ever been found in undertakings of this kind. The cotton and woollen manufactures are not to be introduced—they are already introduced to a great extent; freeing us entirely from the hazards, and, in a great measure, the sacrifices experienced in giving the capital of the country a new direction. The restrictive measures and the war, though not intended for that purpose, have, by the necessary operation of things, turned a large amount of capital to this new branch of industry. He had often heard it said, both in and out of Congress, that this effect alone would indemnify the country for all of its losses. So high was this tone of feeling, when the want of these establishments were practically felt, that he remembered, during the war, when some question was agitated respecting the introduction of foreign goods, that many then opposed it on the ground of injuring our manufactures. He then said that war alone furnished sufficient stimulus, and perhaps too much, as it would make their growth unnaturally rapid; but that, on the return of peace, it would then be time to show our affection for them. He at that time did not expect an apathy and aversion to the extent which is now seen. But it will no doubt be said, if they are so far established, and if the situation of the country is so favorable to their growth, where is the necessity of affording them protection? It is to put them beyond the reach of contingency. Besides, capital is not yet, and cannot, for some time, be adjusted to the new state of things. There is, in fact, from the operation of temporary causes, a great pressure on these establishments. They had extended so rapidly during the late war, that many, he feared, were without the requisite surplus capital or skill to meet the present crisis. Should such prove to be the fact, it would give a back set, and might, to a great extent, endanger their ultimate success. Should the present owners be ruined, and the workmen dispersed and turn to other pursuits, the country would sustain a great loss. Such would, no doubt, be the fact to a considerable extent, if not protected. Besides, circumstances, if we act with wisdom, are favorable to attract to our country much skill

and industry. The country in Europe having the most skilful workmen is broken up. It is to us, if wisely used, more valuable than the repeal of the Edict of Nantz was to England. She had the prudence to profit by it; let us not discover less political sagacity. Afford to ingenuity and industry immediate and ample protection, and they will not fail to give a preference to this free and happy country.

It has been objected to this bill, that it will injure our marine, and consequently impair our naval strength. How far it is fairly liable to this charge, he was not prepared to say. He hoped and believed it would not, at least to any alarming extent, have that effect immediately; and he firmly believed that its lasting operation would be highly beneficial to our commerce. The trade to the East Indies would certainly be much affected; but it was stated in debate that the whole of that trade employed but six hundred sailors. But whatever might be the loss in this, or other branches of our foreign commerce, he trusted it would be amply compensated in our coasting trade—a branch of navigation wholly in our own hands. It has at all times employed a great amount of tonnage, sometimes more, he believed, than one-third of the whole; nor is it liable to the imputation thrown out by a member from North Carolina, (Mr. Gaston,) that it produced inferior sailors. It required long and dangerous voyages; and, if his information was correct, no branch of trade made better or more skilful seamen. The fact that it was wholly in our own hands is a very important one, while every branch of our foreign trade must suffer from competition with other nations. Other objections, of a political character, were made to the encouragement of manufactures. It is said they destroy the moral and physical power of the people. This might formerly have been true to a considerable extent, before the perfection of machinery, and when the success of the manufactures depended on the minute subdivision of labor. At that time it required a large portion of the population of a country to be engaged in them; and every minute subdivision of labor is undoubtedly unfavorable to the intellect; but the great perfection of machinery has in a considerable degree obviated these objections. In fact, it has been stated that the manufacturing districts in England furnish the greatest number of recruits to her army, and that, as soldiers, they are not materially inferior to the rest of her population. It has been further asserted, that manufactures are the fruitful cause of pauperism, and England has been referred to as furnishing conclusive evidence of its truth. For his part, he could perceive no such tendency in them, but the exact contrary, as they furnished new stimulus and means of subsistence to the laboring classes of the community. We ought not to look to the cotton and woollen establishments of Great Britain for the prodigious numbers of poor which her population was disgraced. Causes much more efficient exist. Her poor laws, and

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statutes regulating the price of labor, with heavy taxes, were the real causes. But if it must be so; if the mere fact that England manufactured more than any other country, explained the cause of her having more beggars, it is just as reasonable to refer her courage, spirit, and all her masculine virtues, in which she excels all other nations, with a single exception—he meant our own—in which we might without vanity challenge a pre-eminence. Another objection had been made, which he must acknowledge was better founded, that capital employed in manufacturing produced a greater dependence on the part of the employed, than in commerce, navigation, or agriculture. It is certainly an evil, and to be regretted; but he did not think it a decisive objection to the system, especially when it had incidental political advantages, which, in his opinion, more than counterpoised it. It produced an interest strictly American, as much so as agriculture; in which it had the decided advantage of commerce or navigation. The country will from this derive much advantage. Again, it is calculated to bind together more closely our widely-spread Republic. It will greatly increase our mutual dependence and intercourse; and will, as a necessary consequence, excite an increased attention to internal improvement—a subject every way so intimately connected with the ultimate attainment of national strength, and the perfection of our political institutions. He regarded the fact that it would make the parts adhere more closely; that it would form a new and most powerful cement, far outweighing any political objections that might be urged against the system. In his opinion, the liberty and the union of the country were inseparably united. That as the destruction of the latter would most certainly involve the former, so its maintenance will, with equal certainty, preserve it. He did not speak lightly. He had often and long revolved it in his mind, and he had critically examined into the causes that destroyed the liberty of other States. There are none that apply to us, or apply with a force to alarm. The basis of our Republic is too broad, and its structure too strong to be shaken by them. Its extension and organization will be found to afford effectual security against their operation; but let it be deeply impressed on the heart of this House and country, that while they guarded against the old, they exposed us to a new and terrible danger—disunion. This single word comprehended almost the sum of our political dangers; and against it we ought to be perpetually guarded.

Mr. OUTBRET answered briefly some of Mr. CALHOUN's arguments.

Mr. RANDOLPH entered into a more particular reply to Mr. CALHOUN, and further arguments in support of his opinions.

Mr. GASTON also spoke some time in reply to Mr. CALHOUN, and in support of the opinions and statements he advanced on the subject on a former occasion.

Mr. NEWTON, in a speech of about two hours, advocated the bill and the protection therein proposed to our manufactures, entering into a full discussion of the general question of promoting domestic fabrics.

Mr. HALE moved to modify the motion by reducing the minimum price specifically to fifteen cents per square yard.

This motion was decided in the negative—ayes 66, noes 72; and the question recurred on Mr. RANDOLPH's motion to strike out the minimum price altogether.

SATURDAY, April 6.

Regulation of Bank Currency by Taxation.

Mr. CALHOUN, from the Committee on a National Currency, reported a bill for the more effectual collection of revenue in the lawful money of the United States, which was twice read and committed. The bill is as follows:

A bill for the more effectual collection of the public revenue, in the lawful money of the United States.

Be it enacted, &c., That it shall be the duty of the Secretary of the Treasury, as soon as conveniently may be after the passing of this act, to give public notice, in any one or more of the papers published in each and every State or Territory of the United States, that, from and after the thirty-first day of December next, the payment of duties, taxes, debts, and generally of all sums of money whatsoever, which have then accrued and become payable, or which shall thereafter accrue and become payable to the United States, or to any public officer, agent, or other person, for their use, will be demanded in the gold, silver and copper coins of the United States, or in such foreign coins as have been, or shall be made current by law. And from and after the said thirty-first day of December next, it shall not be lawful for any public officer, agent, or other person whomsoever, employed in the collection or receipt of the revenue, or other public money whatsoever, to accept or allow payment of any such duties, taxes, debts, or sums of money whatsoever, in any other medium than in the said coins, or in Treasury notes: *Provided always,* That it shall be lawful for the Secretary of the Treasury to authorize and permit, as heretofore, the notes of any bank or bankers which are payable and paid on demand in the said coins, to be accepted and allowed in all payments to the United States.

SEC. 2. *And be it further enacted,* That, from and after the said thirty-first day of December next, the Secretary of the Treasury shall not authorize or permit any public money to be deposited, or to continue to be deposited with any bank or bankers, whose notes are not payable and paid on demand in the said coins of the United States, or in foreign coins made current by law as aforesaid. And from and after the said thirty-first day of December, all public moneys shall be deposited in such secure place, in the States and Territories respectively, as the Secretary of the Treasury, with the approbation of the President of the United States, shall designate and appoint.

SEC. 3. *And be it further enacted,* That, from and after the said thirty-first day of December next, it shall be the duty of the Secretary of the Treasury to cause legal measures to be taken for enforcing a lawful payment of all sums of money due to the United

States, on account of bank notes or deposits, from any bank or bankers, whose notes are not then payable and paid on demand in the said coins of the United States, or in foreign coins made current by law as aforesaid.

SEC. 4. *And be it further enacted*, That, from and after the said thirty-first day of December next, upon any promissory notes, or notes payable either to bearer or to order, issued by any of the banks or corporations who issue and discount notes, bonds, or obligations, either incorporated or not incorporated, which now are or hereafter shall be established in the United States or Territories thereof, there shall be levied, collected, and paid, the several stamp duties following:—

If not exceeding one dollar, ten cents.

If above one dollar and not exceeding two dollars, twenty cents.

If above two dollars and not exceeding three dollars, thirty cents.

If above three dollars and not exceeding five dollars, fifty cents.

If above five dollars and not exceeding ten dollars, one dollar.

If above ten dollars and not exceeding twenty dollars, two dollars.

If above twenty dollars and not exceeding fifty dollars, five dollars.

If above fifty dollars and not exceeding one hundred dollars, ten dollars.

If above one hundred dollars and not exceeding five hundred dollars, fifty dollars.

If above five hundred dollars, one hundred dollars.

And in relation to the stamp duties herein and hereby imposed, there shall not be allowed any annual or other composition or commutation, but the same shall be specifically collected for and upon the stamps affixed to the notes hereby charged therewith, saving the rights of all persons under existing contracts. And it shall be the duty of the Commissioner of the Revenue to cause to be provided so many marks and stamps, differing from each other, as shall correspond with the several rates of duty aforesaid; but each stamp shall express, among other things, the following words at length, in distinct and legible characters: "Not a specie note." And all the provisions of the act, entitled "An act for laying duties on notes of banks," &c., passed on the second of August, one thousand eight hundred and thirteen, and of the supplements thereto, passed on the tenth of December, one thousand eight hundred and fourteen, shall be applied to the stamp duties imposed by this act, as fully as if the same were herein recited and re-enacted, except so far as respects the rates of duty and an annual composition in lieu of the stamp duties. *Provided always, nevertheless*, That if any banks or bankers shall, on or before the first day of November next, certify to the Secretary of the Treasury that their notes will be payable and paid in coin as aforesaid, upon demand, after the thirty-first day of December next, and if it appear to his satisfaction that payment is to be made, then, with respect to such banks and bankers, the rate of duty and the privilege of composition and commutation shall remain in all respects as if this act had not been passed.

The Tariff.

The House proceeded to consider the bill regulating the duties on imports and tonnage; when

The amendment proposed by Mr. Ross, and depending on the 4th instant, was modified by the mover, and agreed to by the House.

MONDAY, April 8.

Mr. NELSON, of Virginia, from the committee appointed to inquire into the official conduct of Judge Tallmadge, made a report; which was read, and the resolution therein contained was concurred in by the House, as follows:

Resolved, That the Senate of the United States be requested to permit the attendance of the honorable Nathan Sanford, a member of their body, before the committee of the House of Representatives appointed to inquire into the official conduct of Judge Tallmadge, to be examined touching the subjects contained in the preceding report relative to the alleged misconduct of Judge Tallmadge in his office, as one of the judges of the district court for the State of New York.

The Tariff.

The engrossed bill to regulate the duties on imports and tonnage, was read the third time; and the question stated, "Shall the bill pass?"

Mr. RANDOLPH moved that the bill be postponed to December next. In making this motion, Mr. R. said, he was not actuated by the usual motives of similar motions. It proceeded from a belief that the subject had not been properly and maturely prepared by the Secretary of the Treasury. He wished the subject postponed to the next session, that the system might be printed collaterally with the present duties, that every member might take it home and consult his constituents—those whose opinions he ought to respect. The bill, Mr. R. said, had been precipitated through the House, and the discussion on it showed a strange and mysterious connection between this measure and one (the bank bill) which had just passed, and was now beyond the control of this House. Another reason for referring the subject to the next session was, he said, the material injury it would produce on the revenue if adopted now; and at this time the Secretary of the Treasury ought strictly to guard against any deficit in the revenue. He thought the reasons for postponement were imperious.

Mr. LOWNDES also offered some remarks in reply to Mr. RANDOLPH, and against postponing the bill. He denied the charge of precipitation in the Secretary of the Treasury in making his report; and referred to the circular letters long since sent to various quarters in search of information, to show that the Secretary had not acted prematurely, and that measures were long ago taken to obtain all possible light on the subject. Mr. L. admitted that there were particular features in the bill about the passage of which he was not anxious; but in a system so extensive there must be particular parts on which members could not agree. As a whole, however, he had no doubt it would be beneficial to the revenue, &c., and to the general interests of the country.

Mr. CALHOUN had no intention of entering in a discussion of the motion; but he wished merely to reply to the insinuation of a mysterious connection between this bill, and that to establish the bank. He denied any improper

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or unfair understanding, and could challenge the House to support the charge. In fact, Mr. C. said, the most zealous friends of the bank were generally unfriendly to this tariff; and the warmest friends of either could not be found on the same side.

After some further conversation between Mr. RANDOLPH and Mr. CALHOUN, the question was taken by yeas and nays, on the postponement, and decided in the negative—yeas 47, nays 95.

Mr. RANDOLPH rose, and spoke nearly three hours in opposition to the bill, and generally against the policy of encouraging manufacturing establishments at all, especially against the propriety of affording a high bounty by taxing the community.

Mr. TELFAIR opposed the bill in a speech of half an hour; when the question on the passage of the bill was taken, and decided in the affirmative—yeas 88, nays 54, as follows:

YEAS.—Messrs. Adgate, Alexander, Archer, Atherton, Baker, Barbour, Bassett, Bateman, Baylies, Bennett, Betts, Birdsall, Boss, Brooks, Brown, Cady, Caldwell, Calhoun, Cannon, Chipman, Clendennin, Comstock, Crawford, Creighton, Crocheron, Cathbert, Darlington, Davenport, Desha, Glasgow, Gold, Grosvenor, Hahn, Hall, Hammond, Hawes, Henderson, Hopkinson, Ingham, Irwin of Pennsylvania, Jewett, Johnson of Kentucky, Kent, Langdon, Lowndes, Lumpkin, Lyle, Maclay, Marsh, Mason, Mayrant, McCoy, McLean of Kentucky, Milnor, Newton, Noyes, Ormsby, Parris, Piper, Pitkin, Pleasants, Powell, Ruggles, Sergeant, Savage, Schenck, Sharpe, Smith of Pennsylvania, Smith of Maryland, Southard, Strong, Taggart, Taul, Throop, Townsend, Tucker, Wallace, Ward of New York, Ward of New Jersey, Wendover, Wheaton, Whiteside, Wilkin, Willoughby, Thos. Wilson, William Wilson, Woodward, and Yates.*

NAYS.—Messrs. Baer, Bradbury, Breckenridge, Bryan, Burnside, Champion, Clarke of North Carolina, Clopton, Culpeper, Edwards, Forney, Forsyth, Gaston, Goldsborough, Goodwin, Hale, Hardin, Heister, Herbert, Huger, Hungerford, Johnson of Virginia, Kerr of Virginia, Law, Lewis, Love, Lovett, Lyon, Moore, Murfee, Nelson of Massachusetts, Nelson of Virginia, Pickens, Pickering, Randolph, Reynolds, Robertson, Roane, Root, Ross, Sheffey, Smith of Virginia, Stearns, Stuart, Tate, Taylor of South Carolina, Telfair, Thomas, Vose, Wilcox, Wilde, Williams, Wright, and Yancey.

* And thus was inaugurated a new policy with respect to the imposition of duties on imports. Before the war of 1812, revenue had been the object of these duties, and protection to manufactures the incident. Now this policy was reversed. Protection became the object, and revenue the incident; and to such a degree as often to disregard revenue altogether, and a surplus of nine millions was actually created. Duties now became excessive. No longer the 5 per centum, the 7½, the 10, 12½, 15, which formerly prevailed; but all these doubled, with additions, and the introduction of minimum valuations which gave to a high duty the further advantage of being calculated upon a fictitious value. It was the commencement of the long discussion on the tariff policy which afterwards divided and disturbed the country, and attained the height of an organized State resistance to a tariff of protection, and a conditional ordinance of secession if it was not abandoned, and that by a given day.

TUESDAY, April 9.

Death of Mr. Stanford.

Mr. GASTON announced the death of RICHARD STANFORD, a member of this House, from the State of North Carolina: whereupon,

Resolved, unanimously, That a committee be appointed to take order for superintending the funeral of Richard Stanford, deceased, late a Representative from the State of North Carolina.

And MESSRS. GASTON, YANCEY, CULPEPER, FORNEY, PICKENS, CLARKE, and EDWARDS, were appointed the said committee.

Resolved, That the members of this House will testify their respect for the memory of Richard Stanford, late one of their body, by wearing crape on the left arm for one month.

Resolved, unanimously, That the members of this House will attend the funeral of the late Richard Stanford, to-morrow, at 12 o'clock.

Ordered, That a message be sent to the Senate to notify them of the death of RICHARD STANFORD, late member of this House, and that his funeral will take place to-morrow, at 12 o'clock.

Ordered, That when the House adjourns, it will adjourn until the day after to-morrow.

SATURDAY, April 13.

Increase of the Navy.

The House went into Committee of the Whole on the bill providing for the gradual increase of the Navy.

Mr. PLEASANTS (chairman of the Naval Committee) entered into a detailed statement of the considerations on which the committee had formed the bill, and their reasons for deviating from a precise adherence to the Secretary's recommendations. It was within the recollection of the committee, that; in a report made to the Senate in the earlier part of the session of Congress, the Secretary of the Navy recommended an annual addition to the present navy of one ship of seventy-four guns, two of forty-four, and two sloops-of-war of the heaviest class.* The committee, Mr. P. said, had bestowed much consideration on the subject, and after obtaining all the information they could from the sources calculated, in their judgments, to furnish the best, they had determined to recommend to the House the provisions contained in the present bill. There would have been some difficulty in framing a law in such a way as to have provided for a certain annual addition to the Navy. The timbers and other necessary materials could not have been procured in such a way as to insure a punctual compliance with the law. The committee, therefore, determined to recommend an annual appropriation of one

* The expense of building, equipping, and keeping each of these in service with a full complement of men and officers, and marines, was thus estimated:

	Building.	Equipping.	Annual Expense.
A 74	\$217,412	\$167,450	\$189,740
A 44	153,475	114,925	124,210
A sloop	46,298	85,960	59,168

million of dollars for eight years; this would make an addition to our present naval force of nine seventy-four-gun ships, twelve of forty-four guns, and three steam batteries; two of the latter to be applied to the defence of the waters of the Chesapeake, and one to the defence of New Orleans. The Secretary's plan of adding one seventy-four, two forty-fours, and two sloops, annually, would have required an appropriation for that term of upwards of a million of dollars. Mr. P. observed that it was the opinion of the best informed of our naval officers, that our funds had better be applied towards procuring heavy ships immediately; that sloops-of-war, thought of great use in time of war, might easily be procured in a very short time by the Government, either by having them built at our own yards or by contract. Indeed, it was the opinion of one, at least very intelligent officer, that sloops-of-war ought not to form a permanent part of our Navy at all; but when it was found necessary to use them in time of war, they should be sold on the return of peace. According to an estimate made in the beginning of the session to the Senate by the Secretary of the Navy, and which is on the files of this House, it will be seen, that to build and equip a seventy-four-gun ship, it will cost \$384,862; this sum, multiplied by nine—the number of seventy-fours proposed to be built in eight years—will make \$3,463,758. The building and equipping a forty-four-gun frigate will cost \$268,400, which sum multiplied by twelve, the number of frigates proposed to be built in eight years, will make the sum \$3,220,800. The three steam batteries they had allowed to take one million of dollars more. Thus the whole sum estimated by the committee for building the proposed ships-of-the-line, heavy frigates, and steam-batteries, is \$7,684,558. The committee took some pains to ascertain, as far as such a thing could be ascertained with any thing like certainty, the capacity of the United States to man a fleet of such a description as the proposed addition will give us. From information received from the most intelligent sources, they have no doubt that such a fleet may be easily manned. The present number of seamen belonging to the United States is not ascertained with precision; it is probable little or nothing short of seventy, perhaps eighty thousand. One fourth of this number may be calculated on for public service. The number of prime seamen allowed to a seventy-four is two hundred; ordinary seamen and boys, three hundred; twelve seventy-fours, then, will require two thousand four hundred prime, and three thousand six hundred ordinary seamen and boys—six thousand in the whole—and so in proportion for frigates, sloops-of-war, &c. It was well known, also, that of the ordinary seamen and boys, landsmen may make up a part; men who can be taught to handle the guns. The whole expense of keeping a seventy-four in service for one year is estimated at \$189,749; of a forty-four, \$184,210. The estimates here referred to,

said Mr. P., are taken from the report of the Secretary of the Navy, before referred to; made out in detailed and minute statements, by the assistance of the Commissioners of the Navy, and may, it is believed, be confidently relied on.

Mr. LOWNDES said he had no further interest in the motion than any other gentleman in the House; but hoped the amendment would prevail, because he had no doubt, in addition to giving defence to the city of Charleston, it would tend to economize the public money. The waters of Charleston, he said, were peculiarly favorable for a defence of this kind, and would there supersede the necessity of additional defences, which were almost ineffectual as an outpost against a strong naval force, as every one knew with how little hazard a ship of war may at certain favorable moments pass a stationary fort. A steam battery would save the public money, because some of the works were in ruins, the repairing of which would be a great expense. Mr. L. had no doubt that the protection of Charleston, as well as of other cities, would receive all reasonable attention from Government; but the alternative between repairing works requiring six or seven hundred men to defend them, and a less expensive yet more effectual defence, the latter ought to be adopted. He agreed, however, with Mr. WEBSTER, that the Secretary of the Navy ought to be free to apply the public naval force to any point deemed by him most proper.

Mr. FORSYTH repeated, that if the report of the committee were departed from, by adding a steam frigate for Charleston, any other maritime towns might demand the same. He was against adopting to a greater extent at present the steam battery system, in which we had no experience; and was averse to abandoning the old system in which the experience was ample. He understood that the steam frigate at New York cost nearly as much as a seventy-four, and he would prefer a seventy-four, until he was convinced of the superiority of the other engine. Mr. F. said the arguments of the gentlemen who advocated floating instead of land defences, went to support his opinions, as he preferred the naval defence, but of that kind whose utility and management we were well acquainted with.

Mr. WEBSTER then moved to amend the bill by striking out the words directing two of the batteries to be stationed in the Chesapeake and the other at New Orleans, so as to leave their application to the direction of the President.

Mr. WEBSTER's motion was then agreed to by a large majority, and the bill, as amended, ordered to a third reading *nem. con.**

* The passage of this bill showed another great change of policy operated by the war. Before that event, opposition to a navy was a fixed principle with the republicans: its advocacy was equally fixed with the federalists. The events of the war brought both parties to one mind, and contrarily, it would seem, to the teaching of these events, and the lessons of history. These events taught the efficacy of cruisers, both public and private; and this history showed the inefficacy of fleets as a power to terminate wars. The

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Specie Payments.

[H. OF R.]

MONDAY, April 15.

Elizabeth Hamilton.

An engrossed bill, entitled "An act for the relief of Elizabeth Hamilton," was read the third time; and, on the question, "Shall this bill pass?" it was passed in the affirmative—yeas 84, nays 80.

THURSDAY, April 18.

Resignation of Mr. Pinkney, Representative from Maryland.

The SPEAKER laid before the House a letter from WILLIAM PINKNEY, resigning his seat as a member of this House from the State of Maryland, having accepted the appointment of Minister Plenipotentiary of the United States at the Court of St. Petersburg, in Russia.

TUESDAY, April 23.

Specie Payments.

On motion of Mr. CALHOUN, the House resolved itself into a Committee of the Whole, on the bill to provide for the more effectual collection of the public revenue in the lawful money of the country—to enforce the payment of specie.

The amendments offered yesterday by Mr. CALHOUN were read, the first section of which provides, substantially, for the issue of Treasury notes to the amount of — dollars, of such convenient denominations as the Secretary of

cruises of different officers, and especially of Porter in the Pacific, carried distress and dismay to the enemy's commerce and smaller vessels: the great naval victories of Great Britain had no effect upon the wars of the French revolution, which remained to be terminated by land victories. A naval victory decides nothing but which shall take the other's ships; and as naval battles can only be fought with something like an equality of force, the idea of becoming a naval power is futile, unless such equality is contemplated. The experience of Russia is the best illustration of this idea. After one hundred and fifty years of ship building—from the time of Peter the Great to the Crimean war—she found her ships not only useless, but burthensome, the first day she wanted them. Far from being able to annoy the enemy, they were unable to take care of themselves, and required the strongest fortifications and great armies to prevent them from going into the hands of the enemy. And so of all navies. They cannot fight battles except upon some equality of force, and then merely to determine the question, *which shall have the other's ships?* The policy of the republican party in 1793, embodied in one of the Virginia resolutions of that day, seems to have been well founded then, and to have become confirmed by the invention of the steam car and the electric telegraph—which dispel all fear of invasion. "It is demonstrated, (says the resolve,) by the experience of all nations who have ventured far into naval policy, that such prospect (of advantage) is ultimately delusive; and that a navy has ever been in practice known more as an instrument of power, and an occasion of collisions and wars with other nations, than as an instrument of defence, of economy, or of protection to commerce." The experience of the United States during the forty years that has elapsed since the naval policy of 1816 was adopted, illustrates several points in these opinions of 1793—and especially in all that relates to expense.

the Treasury shall direct; transferable by delivery; not to bear interest; not to be fundable; to be received everywhere in dues to the United States, and may be re-issued from time to time.

The second, third, and fourth sections provide for the preparing, signing, and issuing the Treasury notes, for paying the expense thereof, and the usual penalties for counterfeiting them.

The fifth section provides, that the Secretary of the Treasury shall issue said notes upon loan to the Bank of the United States, or any State bank applying therefor, on such terms as he shall deem necessary, having regard to the circumstances of each case, and the security of the United States, at a rate of interest not less than — per cent. per annum; but not to loan to any State bank more than a moiety of their capital paid in these loans; to be reimbursable in three equal annual instalments, computed from the date of the respective loans, and be paid for as they become due in the legal coin, or in Treasury notes. [The moiety, on motion of Mr. SMITH, was subsequently converted into one-fourth.]

The fifth section authorizes the Secretary of the Treasury to issue said notes at their par value to individuals, companies, or corporations, and receive in payment therefor the United States stocks; but the amount sold for funded debt not to exceed [five] millions; the notes so sold to be taken out of the annual appropriations for the Sinking Fund, and the funded debt thus acquired to be transferred to the Commissioners of the Sinking Fund, and by them applied as the law directs, with other funded debt.

The seventh section makes it the duty of the Secretary of the Treasury, annually, to withdraw from circulation and to cancel a portion of said Treasury notes, equal to one-third of the whole amount issued.

The eighth section of the amendments provides that the future issues of Treasury notes, under the act of February 24, 1815, shall not exceed the sum of five millions of dollars.

The amendments having been read—

Mr. CALHOUN moved to fill the blank in the first section with "fifteen" millions; and then, in a speech of some length, stated to the committee the benefits which were anticipated from the proposed issue of Treasury notes; the aid and relief they would afford to the community, under the pressure which would unavoidably be produced by the banks in the necessary curtailment of their discounts, the withdrawal of their notes from circulation, &c., preparatory to the resumption of specie payments, which the bill would enforce. It was his opinion that the bill would be effectual in producing the payment of specie, without the aid of this feature; but there were others who doubted whether the restoration could be well or safely effected without it; and he wished to afford every facility and relief that could be with propriety given, as well to the banks as to the community.

Mr. ROBERTSON followed in opposition to the amendment, against which he argued at some length. He objected to it chiefly on the ground that it would form an unfortunate and hazardous connection between the Government and the State banks; extending the indirect influence of the banks, which had been often complained of, to a direct influence; and, instead of compelling the banks to sell their public stock and meet their engagements, would increase their means of resisting the measures to coerce them into the payment of specie.

Mr. CADY spoke against the amendment. It would be re-loaning the public funds at five per cent., while the Government of the United States was borrowing at seven; would be collecting the revenues of the Government in its own paper only, and defeating the object of laying taxes; that it would tend to depress our stocks in Europe; that it would be better to give credit to those indebted to the Government at six per cent. a year; that no bank would borrow these notes which meant to pay for them, as it would be giving five per cent. for notes to lend out to its customers; and that the issue of fifteen millions, if they could be kept in circulation, would drive specie out of the country instead of drawing it thither.

Mr. GROSVENOR then rose and stated his objections to the proposed issue of Treasury notes, which he viewed as the first attempt yet made to create a paper currency for the country. In this light Mr. G. discussed the subject at some length, arguing against an experiment so dangerous in principle, and which universal experience proved would always end in a depreciated currency, however feasible it might appear in time of peace and tranquillity. When he concluded—

The question was then taken on filling the blank with “ten,” and carried—ayes 66.

WEDNESDAY, April 24.

Mr. HUEB, from the committee appointed by a resolution of the 27th of February last, to examine generally into the subject of unsettled balances, made a report; which was read and ordered to lie on the table.

Specie Payments.

The House then took up the report of the Committee of the Whole on the bill providing for the more effectual collection of the public revenues in the lawful money of the country.

Mr. CALHOUN withdrew the amendment which he proposed to the bill for the issue of Treasury notes.

The question was then taken on engrossing the bill for a third reading, and was decided as follows: For engrossing 57, against it 46.

THURSDAY, April 25.

Specie Payments.

The engrossed bill providing for the more effectual collection of the public revenues in the

lawful money of the country, being read the third time, and the question stated, “Shall the bill pass?” after some discussion, it was decided in the negative—yeas 59, nays 60.

So the bill was rejected.

FRIDAY, April 26.

Collection of the Revenue.

Mr. WEBSTER rose, and submitted the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, all duties, taxes, imposts, and excises, laid or imposed by Government, ought, by the provisions of the constitution, to be uniform throughout the United States; and that no preference ought to be given or allowed by any regulation of commerce or revenue, to the ports of one State over those of another.

And resolved further, That the revenues of the United States ought to be collected and received in the legal currency of the United States, or in Treasury notes, or in the notes of the Bank of the United States, as by law provided and declared.

And resolved further, That the Secretary of the Treasury be, and he is hereby, required and directed to adopt such measures as he may deem necessary, to cause, as soon as may be, all duties, taxes, debts, or sums of money accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States as aforesaid; and that from and after the 1st day of February next no such duties, taxes, debts, or sums of money accruing or becoming payable to the United States as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as aforesaid.

Mr. WEBSTER said that he had felt it to be his duty to call the attention of the House once more to the subject of the collection of the revenue, and to present the resolutions which had been submitted. He had been the more inclined to do this from an apprehension that the rejection, yesterday, of the bill which had been introduced, might be construed into an abandonment, on the part of the House, of all hope of remedying the existing evil. He had had, it was true, some objections against proceeding by way of bill; because the case was not one in which the law was deficient, but one in which the execution of the law was deficient. The great object, however, was to obtain a decision of this and the other House, that the present mode of receiving the revenue should not be continued, and as this might be substantially effected by the bill, he had hoped that it might pass. This hope had been disappointed. The bill had been rejected. The House had put its negative upon the only proposition which had been submitted to it, for correcting a state of things, which everybody knows to exist, in plain violation of the constitution, and in open defiance of the written letter of the law. For one, he could never consent to adjourn, leaving this implied sanction of the House upon all that had taken

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Collection of the Revenue.

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place, and all that might hereafter take place. He hoped not to hear again that there was not now time to act on this question. If other gentlemen considered the question as important as he did, they would not forbear to act upon it from any desire, however strong, to bring the session to an early close.

The situation of the country, said Mr. W., in regard to the collection of its revenues, is most deplorable. With a perfectly sound legal currency, the national revenues are not collected in this currency, but in paper of various sorts, and various degrees of value. The origin and progress of this evil are distinctly known, but it is not easy to see its duration or its future extent, if an adequate remedy be not soon found. Before the war, the business of the country was conducted principally by means of the paper of the different State banks. As these were in good credit, and paid their notes in gold and silver on demand, no great evil was experienced from the circulation of their paper. Not being, however, a part of the legal money of the country, it could not, by law, be received in the payment of duties, taxes, or other debts to Government. But being payable, and hitherto regularly paid, on demand, the collectors and agents of Government had generally received it as cash; it had been deposited as cash in the banks which received the deposits of Government, and from them it had been drawn as cash, and paid out to creditors of the public.

During the war, this state of things changed. Many of the banks had been induced to make loans to a very great amount to Government. These loans were made by an issue of their own bills. This proceeding threw into circulation an immense quantity of bank paper, in no degree corresponding with the mercantile business of the country, and resting on nothing for its payment and redemption but the Government stocks, which were held by the banks. The consequence immediately followed, which it would be imputing a great degree of blindness both to the Government and to the banks to suggest that they had not foreseen. The excess of paper which was found everywhere, created alarm. Demands began to be made on the banks, and they all stopped payment. No contrivance to get money, without inconvenience to the people, ever had a shorter course of experiment, or a more unequivocal termination. The depreciation of bank notes was a necessary consequence of a neglect or refusal on the part of those who issued them to pay them. It took place immediately, and has continued, with occasional fluctuation in the degree of depression, to the present moment. What still further increases the evil is, that this bank paper being the issue of very many different institutions, situated in different parts of the country, and possessing different degrees of credit, the depreciation has not been, and is not now, uniform throughout the United States. It is not the same at Baltimore as at Philadelphia; nor the same at Philadelphia as at New York. In New

England the banks have not stopped payment in specie, and of course their paper has not been depressed at all. But the notes of banks which have ceased to pay specie, have, nevertheless, been, and still are, received for duties and taxes, in the places where such banks exist. The consequence of all this is, that the people of the United States pay their duties and taxes in currencies of different values in different places. In other words, taxes and duties are higher in some places than they are in others, by as much as the value of gold and silver is greater than the value of the several descriptions of bank paper which are received by Government. This difference, in relation to the paper of the District in which we now are, is twenty-five per cent.; taxes and duties, therefore, collected in Massachusetts, are one quarter higher than the taxes and duties which are collected, by virtue of the same laws, in the District of Columbia.

By the constitution of the Government, it is certain that all duties, taxes, and excises, ought to be uniform throughout the United States; and that no preference should be given, by any regulation of commerce or revenue, to the ports of one State over those of another. This constitutional provision, it is obvious, is flagrantly violated. Duties and taxes are not uniform. They are higher in some places than in others. A citizen of New England pays his tax in gold and silver, or their equivalent. From his hand the collector will not receive, and is instructed by Government not to receive, the notes of the banks which do not pay their notes on demand, and which notes he could obtain twenty or twenty-five per cent. cheaper than that which is demanded of him. Yet a citizen of the Middle States pays his taxes in these notes at par. Can a greater injustice than this be conceived? Can constitutional provisions be disregarded in a more essential point? Commercial preferences also are given, which, if they could be continued, would be sufficient to annihilate the commerce of some cities and some States, while they would extremely promote the others. The importing merchant at Boston pays the duties upon his goods, either in specie or cash notes, which are at least twenty per cent., or in Treasury notes, which are ten per cent. more valuable than the notes which are paid for duties, at par, by the importing merchant at Baltimore. Surely this is not to be endured. Such monstrous inequality and injustice are not to be tolerated. Since the commencement of this course of things, it can be shown, that the people of the Northern States have paid a million of dollars more than their just proportion of the public burdens. A similar inequality, though somewhat less in degree, has fallen upon the States south of the Potomac, in which the paper in circulation, although not equivalent to specie, is yet of higher value than the bank notes of this District, Maryland, and the Middle States.

But it is not merely the inequality and injustice of this system, if system it may be called—

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Adjournment.

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if not rather the want of all system—which call for reform. It throws the whole revenue into derangement, and endless confusion. It prevents the possibility of order, method, or certainty in the public receipts or disbursements. This mass of depressed paper, thrown out at first in loans to accommodate Government, has done little less than to embarrass and distress Government. It can hardly be said to circulate, but it lies in the channel of circulation, and chokes it up by its bulk and its sluggishness. In a great portion of the country, the dues to Government are not paid, or are paid badly; and in an equal portion of the country the public creditors are not paid, or are paid badly.

It is quite clear, that, by the statute, all duties and taxes are required to be paid in the legal money of the United States, or in Treasury notes, agreeably to recent provisions. It is just as clear, that the law has been disregarded, and that the notes of banks of a hundred different descriptions, and almost as many different values, have been received, and still are received, where the statute requires legal money or Treasury notes to be paid.

In these circumstances, I cannot persuade myself that Congress will adjourn without attempting something by way of remedy. In my opinion, no greater evil has threatened us. Nothing can more endanger, either the existence and preservation of the public revenue, or the security of private property, than the consequences which are to be apprehended from the present course of things, if they be not arrested by a timely and an effectual interference. Let gentlemen consider what will probably happen, if Congress should rise without the adoption of any measure on the subject.

The question on ordering the resolution to be

engrossed and read a third time, was decided in the affirmative—yeas 79, nays 85.

Ordered, That the title be “A resolution relative to the more effectual collection of the public revenue.”

TUESDAY, April 30.

Traffic in Slaves in the District of Columbia.

Mr. RANDOLPH, from the committee appointed on the first of March last, to inquire into an illegal traffic in slaves, carried on through the medium of this District, by persons in different States, reported various testimony collected by the committee, in the course of their investigation of the subject; but without other report of facts or opinions. The documents containing the testimony were ordered to lie on the table.

Adjournment.

The House took up the resolution from the Senate, “for the appointment of a joint committee to wait on the President of the United States, and inform him of the intended recess of Congress;” which being read, was concurred in by the House, and Messrs. CRAWFORD and BAW were appointed a committee conformably thereto on the part of this House.

A message from the Senate notified the House that the Senate, having completed the legislative business before them, are about to adjourn.

Mr. CRAWFORD, from the joint committee appointed to wait on the President, reported that they had performed that duty, and that the President had informed them he had no further communication to make.

The SPEAKER then rose and addressed the House with some brief but cordial valedictory expressions; after which he adjourned the House *sine die*.

FOURTEENTH CONGRESS.—SECOND SESSION.

BEGUN AT THE CITY OF WASHINGTON, DECEMBER 2, 1816.

PROCEEDINGS IN THE SENATE.

MONDAY, December 2, 1816.

The second session of the Fourteenth Congress, conformably to the Constitution of the United States, commenced this day at the city of Washington; and the Senate assembled.

PRESENT.

JEREMIAH MASON and THOMAS W. THOMPSON, from the State of New Hampshire.

JOSEPH B. VARNUM and ELI P. ASHMUN, from Massachusetts.

JEREMIAH B. HOWELL, from Rhode Island.

ISAAC TICHENOR, from Vermont.

DAVID DAGGETT, from Connecticut.

NATHAN SANFORD, from New York.

JOHN CONDIT and JAMES J. WILSON, from New Jersey.

ABNER LACOCK, from Pennsylvania.

OUTERBRIDGE HORSEY, from Delaware.

JAMES BARBOUR and ARMISTED T. MASON, from Virginia.

NATHANIEL MACON, from North Carolina.

JOHN GAILLARD, from South Carolina.

CHARLES TAIT, from Georgia.

JOHN WILLIAMS, from Tennessee.

JEREMIAH MORROW and BENJAMIN RUGGLES, from Ohio.

ELIGIUS FROMENTIN, from Louisiana.

JOHN GAILLARD, President *pro tempore*, resumed the Chair.

ELI P. ASHMUN, appointed a Senator by the Legislature of the Commonwealth of Massachusetts, in the room of Christopher Gore, resigned, produced his credentials, was qualified, and took his seat in the Senate.

The PRESIDENT communicated the credentials of the appointments of JAMES NOBLE and WALLER TAYLOR, as Senators, by the Legislature of the State of Indiana, which were read.

Whereupon, on motion by Mr. MORROW,

Resolved, That a committee be appointed to inquire whether any, and if any, what legislative measures may be necessary for admitting the State of Indiana into the Union, or for extending to that State the laws of the United States.

Messrs. MORROW, DAGGETT, and BARBOUR, were appointed the committee.

On motion by Mr. MORROW, the credentials of the appointment of JAMES NOBLE and WALLER TAYLOR, as Senators to represent the said State of Indiana in the Senate of the United States, were referred to the said committee, to consider and report thereon.

Repeal of the Compensation Act.

Mr. VARNUM submitted the following motion for consideration:

Resolved, That it is expedient to repeal a law passed the last session of Congress, entitled "An act to change the mode of compensation to the members of the Senate and House of Representatives, and the Delegates from Territories," and that a committee be appointed to prepare and report a bill for that purpose.

A message from the House of Representatives informed the Senate that a quorum of the House of Representatives is assembled, and ready to proceed to business. They have appointed a committee on their part, jointly with such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and notify him that a quorum of the two Houses is assembled, and ready to receive any communications that he may be pleased to make to them; in which resolution they request the concurrence of the Senate.

The Senate concurred in the appointment of a joint committee on their part, agreeably to the resolution last mentioned; and Messrs. BARBOUR and MACON were appointed the committee.

TUESDAY, December 3.

Mr. BARBOUR reported from the joint committee, that they had waited on the President of the United States, and that the President had informed the committee that he would make a communication to the two Houses this day at 12 o'clock.

President's Annual Message.

The following Message was received from the
PRESIDENT OF THE UNITED STATES:

*Fellow-citizens of the Senate
and of the House of Representatives:*

In reviewing the present state of our country, our attention cannot be withheld from the effect produced by peculiar seasons, which have very generally impaired the annual gifts of the earth, and threatened scarcity in particular districts. Such, however, is the variety of soils, of climates, and of products, within our extensive limits, that the aggregate resources for subsistence are more than sufficient for the aggregate wants. And as far as an economy of consumption, more than usual, may be necessary, our thankfulness is due to Providence for what is far more than a compensation, in the remarkable health which has distinguished the present year.

Amidst the advantages which have succeeded the peace of Europe, and that of the United States with Great Britain, in a general invigoration of industry among us, and in the extension of our commerce, the value of which is more and more disclosing itself to commercial nations, it is to be regretted that a depression is experienced by particular branches of our manufactures, and by a portion of our navigation. As the first proceeds, in an essential degree, from an excess of imported merchandise, which carries a check in its own tendency, the cause, in its present extent, cannot be of very long duration. The evil will not, however, be viewed by Congress, without a recollection, that manufacturing establishments, if suffered to sink too low, or languish too long, may not revive, after the causes shall have ceased; and that, in the vicissitudes of human affairs, situations may recur, in which a dependence on foreign sources, for indispensable supplies, may be among the most serious embarrassments.

The depressed state of our navigation is to be ascribed, in a material degree, to its exclusion from the colonial ports of the nation most extensively connected with us in commerce, and from the indirect operation of that exclusion.

Previous to the late convention at London, between the United States and Great Britain, the relative state of the navigation laws of the two countries, growing out of the Treaty of 1794, had given to the British navigation a material advantage over the American, in the intercourse between the American ports and British ports in Europe. The convention of London equalized the laws of the two countries, relating to those ports; leaving the intercourse between our ports and the ports of the British colonies subject, as before, to the respective regulations of the parties. The British Government enforcing, now, regulations which prohibit a trade between its colonies and the United States, in American vessels, whilst they permit a trade in British vessels, the American navigation loses accordingly; and the loss is augmented by the advantage which is given to the British competition over the American, in the navigation between our ports and British ports in Europe, by the circuitous voyages, enjoyed by the one and not enjoyed by the other.

The reasonableness of the rule of reciprocity applied to one branch of the commercial intercourse, has been pressed on our part as equally applicable to both branches; but it is ascertained that the British Cabinet declines all negotiation on the subject, with a disavowal, however, of any disposition

to view, in an unfriendly light, whatever counter-vailing regulations the United States may oppose to the regulations of which they complain. The wisdom of the Legislature will decide on the course which, under these circumstances, is prescribed by a joint regard for the amicable relations between the two nations, and to the just interests of the United States.

I have the satisfaction to state, generally, that we remain in amity with foreign powers.

An occurrence has, indeed, taken place in the Gulf of Mexico, which, if sanctioned by the Spanish Government, may make an exception as to that power. According to the report of our naval commander on that station, one of our public armed vessels was attacked by an overpowering force, under a Spanish commander, and the American flag, with the officers and crew, insulted, in a manner calling for prompt reparation. This has been demanded. In the mean time a frigate and a smaller vessel of war have been ordered into that Gulf for the protection of our commerce. It would be improper to omit, that the representative of His Catholic Majesty, in the United States, lost no time in giving the strongest assurances that no hostile order could have emanated from his Government, and that it will be as ready to do, as to expect, whatever the nature of the case and the friendly relations of the two countries shall be found to require.

The posture of our affairs with Algiers, at the present moment, is not known. The Dey, drawing pretexts from circumstances, for which the United States were not answerable, addressed a letter to this Government, declaring the treaty last concluded with him to have been annulled by our violation of it; and presenting as the alternative, war, or a renewal of the former treaty, which stipulated among other things an annual tribute. The answer, with an explicit declaration that the United States preferred war to tribute, required his recognition and observance of the treaty last made, which abolishes tribute and the slavery of our captured citizens. The result of the answer has not been received. Should he renew his warfare on our commerce, we rely on the protection it will find in our naval force actually in the Mediterranean.

With the other Barbary States our affairs have undergone no change.

Congress will call to mind, that no adequate provision has yet been made, for the uniformity of weights and measures, also contemplated by the constitution. The great utility of a standard, fixed in its nature, and founded on the easy rule of decimal proportions, is sufficiently obvious. It led the Government, at an early stage, to preparatory steps for introducing it; and a completion of the work will be a just title to the public gratitude.

The importance which I have attached to the establishment of a University within this District, on a scale, and for objects worthy of the American nation, induces me to renew my recommendation of it to the favorable consideration of Congress. And I particularly invite, again, their attention to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity.

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President's Annual Message.

[SENATE.]

Occurrences having taken place which show that the statutory provisions for the dispensation of criminal justice are deficient, in relation both to places and to persons, under the exclusive cognizance of the national authority, an amendment of the law, embracing such cases, will merit the earliest attention of the Legislature. It will be a seasonable occasion, also, for inquiring how far legislative interposition may be further requisite in providing penalties for offences designated in the constitution or in the statutes, and to which either no penalties are annexed, or none with sufficient certainty. And I submit to the wisdom of Congress, whether a more enlarged revision of the criminal code be not expedient, for the purpose of mitigating, in certain cases, penalties which were adopted into it, antecedent to experiment and examples which justify and recommend a more lenient policy.

The United States, having been the first to abolish, within the extent of their authority, the transportation of the natives of Africa into slavery, by prohibiting the introduction of slaves, and by punishing their citizens participating in the traffic, cannot but be gratified at the progress, made by concurrent efforts of other nations, towards a general suppression of so great an evil. They must feel, at the same time, the greater solicitude to give the fullest efficacy to their own regulations. With that view, the interposition of Congress appears to be required by the violations and evasions which, it is suggested, are chargeable on unworthy citizens, who mingle in the slave trade under foreign flags, and with foreign ports; and by collusive importations of slaves into the United States, through adjoining ports and territories. I present the subject to Congress, with a full assurance of their disposition to apply all the remedy which can be afforded by an amendment of the law. The regulations which were intended to guard against abuses of a kindred character, in the trade between the several States, ought also to be rendered more effectual for their humane object.

To these recommendations I add, for the consideration of Congress, the expediency of a remodification of the judiciary establishment, and of an additional department in the Executive branch of the Government.

The first is called for by the accruing business which necessarily swells the duties of the Federal Courts; and by the great and widening space, within which justice is to be dispensed by them. The time seems to have arrived which claims for members of the Supreme Court a relief from itinerary fatigues, incompatible as well with the age which a portion of them will always have attained, as with the researches and preparations which are due to their stations, and to the judicial reputation of their country. And considerations equally cogent require a more convenient organization of the subordinate tribunals, which may be accomplished without an objectionable increase of the number or expense of the judges.

The extent and variety of Executive business, also accumulating with the progress of our country, and its growing population, call for an additional department, to be charged with duties now overburdening other departments, and with such as have not been annexed to any department.

The course of experience recommends, as another improvement in the Executive establishment, that the provision for the station of Attorney-General, whose

residence at the seat of Government, official connections with it, and management of the public business before the judiciary, preclude an extensive participation in professional emoluments, be made more adequate to his services and his relinquishments; and that, with a view to his reasonable accommodation, and to a proper depository of his official opinions and proceedings, there be included in the provision the usual appurtenances to a public office.

In directing the Legislative attention to the state of the finances, it is a subject of great gratification to find, that, even within the short period which has elapsed since the return of peace, the revenue has far exceeded all the current demands upon the Treasury, and that, under any probable diminution of its future annual products, which the vicissitudes of commerce may occasion, it will afford an ample fund for the effectual and early extinguishment of the public debt. It has been estimated, that, during the year 1816, the actual receipts of revenue at the Treasury, including the balance at the commencement of the year, and excluding the proceeds of loans and Treasury notes, will amount to about the sum of forty-seven millions of dollars; that during the same year, the actual payments at the Treasury, including the payment of the arrearages of the War Department, as well as the payment of a considerable excess, beyond the annual appropriations, will amount to about the sum of thirty-eight millions of dollars; and that, consequently, at the close of the year, there will be a surplus in the Treasury of about the sum of nine millions of dollars.

The operations of the Treasury continue to be obstructed by difficulties arising from the condition of the national currency; but they have, nevertheless, been effectual, to a beneficial extent, in the reduction of the public debt, and the establishment of the public credit. The floating debt, of Treasury notes and temporary loans, will soon be entirely discharged. The aggregate of the funded debt, composed of debts incurred during the wars of 1776 and 1812, has been estimated, with reference to the first of January next, at a sum not exceeding one hundred and ten millions of dollars. The ordinary annual expenses of the Government, for the maintenance of all its institutions, civil, military, and naval, have been estimated at a sum less than twenty millions of dollars. And the permanent revenue, to be derived from all the existing sources, has been estimated at a sum of about twenty-five millions of dollars.

Upon this general view of the subject, it is obvious that there is only wanting to the fiscal prosperity of the Government, the restoration of a uniform medium of exchange. The resources and the faith of the nation, displayed in the system which Congress has established, insure respect and confidence both at home and abroad. The local accumulations of the revenue have already enabled the Treasury to meet the public engagements in the local currency of most of the States; and it is expected that the same cause will produce the same effect throughout the Union. But, for the interests of the community at large, as well as for the purposes of the Treasury, it is essential that the nation should possess a currency of equal value, credit, and use, wherever it may circulate. The constitution has intrusted Congress, exclusively, with the power of creating and regulating a currency of that description; and the measures which were taken during the last session, in execution of the power, give every promise of success. The Bank of the

United States has been organized under auspices the most favorable, and cannot fail to be an important auxiliary to those measures.

For a more enlarged view of the public finances, with a view of the measures pursued by the Treasury Department, previous to the resignation of the late Secretary, I transmit an extract from the last report of that officer. Congress will perceive in it ample proofs of the solid foundation on which the financial prosperity of the nation rests; and will do justice to the distinguished ability and successful exertions with which the duties of the department were executed, during a period remarkable for its difficulties and its peculiar perplexities.

The period of my retiring from the public service, being at little distance, I shall find no occasion more proper than the present for expressing to my fellow-citizens my deep sense of the continued confidence and kind support which I have received from them. My grateful recollection of these distinguished marks of their favorable regard can never cease; and, with the consciousness, that if I have not served my country with greater ability, I have served it with a sincere devotion, will accompany me as a source of unflinching gratification.

Happily, I shall carry with me from the public theatre, other sources, which those who love their country most, will best appreciate. I shall behold it blessed with tranquillity and prosperity at home, and with peace and respect abroad. I can indulge the proud reflection, that the American people have reached, in safety and success, their fortieth year as an independent nation; that, for nearly an entire generation, they have had experience of their present constitution, the offspring of their undisturbed deliberations and of their free choice; that they have found it to bear the trials of adverse as well as prosperous circumstances; to contain, in its combination of the federate and elective principles, a reconciliation of public strength with individual liberty, of national power for the defence of national rights, with a security against wars of injustice, of ambition, and of vain glory, in the fundamental provision which subjects all questions of war to the will of the nation itself, which is to pay its cost and feel its calamities. Nor is it less a peculiar felicity of this constitution, so dear to us all, that it is found to be capable, without losing its vital energies, of expanding itself over a spacious territory, with the increase and expansion of the community for whose benefit it was established.

And may I not be allowed to add to this gratifying spectacle, that I shall read in the character of the American people, in their devotion to true liberty, and to the constitution which is its palladium, sure presages, that the destined career of my country will exhibit a Government pursuing the public good as its sole object, and regulating its means by the great principles consecrated in its charter, and by those moral principles to which they are so well allied: A Government which watches over the purity of elections, the freedom of speech and of the press, the trial by jury, and the equal interdict against encroachments and compacts between religion and the State; which maintains inviolably the maxims of public faith, the security of persons and property, and encourages, in every authorized mode, that general diffusion of knowledge which guarantees to public liberty its permanency, and to those who possess the blessing, the true enjoyment of it: A Government

which avoids intrusions on the internal repose of other nations, and repels them from its own; which does justice to all nations with a readiness equal to the firmness with which it requires justice from them; and which, while it refines its domestic code from every ingredient not congenial with the precepts of an enlightened age, and the sentiments of a virtuous people, seeks, by appeals to reason, and by its liberal examples, to infuse, into the law which governs the civilized world, a spirit which may diminish the frequency, or circumscribe the calamities of war, and meliorate the social and beneficent relations of peace: A Government, in a word, whose conduct, within and without, may bespeak the most noble of all ambitions—that of promoting peace on earth, and good will to man.

These contemplations, sweetening the remnant of my days, will animate my prayers for the happiness of my beloved country, and a perpetuity of the institutions under which it is enjoyed.

JAMES MADISON.

DECEMBER 8, 1816.

The Message and accompanying documents were read, and two thousand copies of the Message ordered to be printed for the use of the Senate.

THURSDAY, December 5.

DUDLEY CHACE, from the State of Vermont; WILLIAM HUNTER, from the State of Rhode Island; JONATHAN ROBERTS, from the State of Pennsylvania; and JAMES BROWN, from the State of Louisiana; severally took their seats in the Senate, all of whom arrived on the 4th instant.

MARTIN D. HARDIN, appointed a Senator by the Executive of the State of Kentucky, in place of William T. Barry, resigned, (who arrived on the 4th instant,) produced his credentials, was qualified, and took his seat in the Senate.

FRIDAY, December 6.

WILLIAM H. WELLS, from the State of Delaware, who arrived on the 5th instant, took his seat in the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

The 9th section of the act, passed at the last session of Congress, "to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," having received a construction giving to it a scope of great and uncertain extent, I thought it proper that proceedings relative to claims under that part of the act should be suspended, until Congress should have an opportunity of defining, more precisely, the cases contemplated by them. With that view, I now recommend the subject to their consideration. They will have an opportunity, at the same time, of considering how far other provisions of the act may be rendered more clear and precise in their import.

JAMES MADISON.

DECEMBER 6, 1816.

DECEMBER, 1816.]

Public Offices.

[SENATE.]

Admission of Indiana.

Mr. MORROW, from the committee appointed to inquire whether any, and if any, what Legislative measures may be necessary for admitting the State of Indiana into the Union, or for extending the laws of the United States to that State, to whom was recommended their report on that subject, reported the resolution for admitting the State of Indiana into the Union, with amendments, which were read and considered as in Committee of the Whole; and having been agreed to, the PRESIDENT reported the resolution to the House amended accordingly.

On the question, "Shall this resolution be engrossed and read a third time?" it was determined in the affirmative.

The said resolution having been reported by the committee correctly engrossed, was read a third time by unanimous consent, as follows:

Whereas, in pursuance of an act of Congress, passed on the 19th day of April, 1816, entitled "An act to enable the people of the Indiana Territory to form a constitution and State government, and for the admission of that State into the Union," the people of the said Territory did, on the 29th day of June, in the present year, by a convention called for that purpose, form for themselves a constitution and State government, which constitution and State government so formed is republican, and in conformity with the principles of the articles of compact between the original States and the people and States in the territory north-west of the river Ohio, passed on the 13th day of July, 1787:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Indiana shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

MONDAY, December 9.

ISHAM TALBOT, from the State of Kentucky, arrived on the 6th instant, and GEORGE W. CAMPBELL, from the State of Tennessee, arrived on the 7th, and severally attended this day.

Compensation of Members.

The Senate resumed the consideration of the motion of the 2d instant, relative to the repeal of the compensation law.

On motion, by Mr. TAIT, to amend the same by striking out from the word "That," in the 1st line, the remainder of the resolution, and inserting in lieu thereof, "a committee be appointed to inquire into the expediency of repealing or modifying the law passed the last session of Congress, entitled 'An act to change the mode of compensation to the members of the Senate and House of Representatives, and the Delegates from Territories,' with leave to report by bill or otherwise."

It was determined in the affirmative—yeas 24, nays 5, as follows:

YEAS.—Messrs. Ashmun, Barbour, Brown, Campbell, Chace, Condit, Daggett, Fromentin, Gaillard, Hardin, Horsey, Howell, Hunter, Lacock, Mason of New Hampshire, Mason of Virginia, Morrow, Roberts, Talbot, Tait, Thompson, Tichenor, Wells, and Williams.

NAYS.—Messrs. Macon, Ruggles, Sanford, Varnum, and Wilson.

The resolution having been agreed to as amended, Messrs. DAGGETT, FROMENTIN, and RUGGLES, were appointed the committee.

Public Offices.

The PRESIDENT communicated a report, made in obedience to a resolution of the Senate, of the 20th of April last, requiring the Secretaries of the Departments to report jointly to the Senate, in the first week of the next session of Congress, a plan to insure the annual settlement of the public accounts, and a more certain accountability of the public expenditure in their respective Departments; and the report was read. It is as follows:

In obedience to the resolution of the Senate, of the 20th of April last, requiring the Secretaries of the Departments to report jointly to the Senate, in the first week of the next session of Congress, a plan to insure the annual settlement of the public accounts, and a more certain accountability of the public expenditure in their respective Departments: the undersigned have the honor to report—

That, in order to comply with the requisitions of the resolution, and to satisfy the just expectations of the Senate, it is necessary to inquire into the causes of the delay of the annual settlement of accounts, and the want of sufficient certainty in the accountability of the respective Departments, upon which the resolution is predicated.

An attentive review of the principles upon which the several Departments of the Government were originally organized, and of the changes which have successively been made in that organization, appears to be necessary at the threshold of this investigation.

By referring to the laws for organizing the several Departments of the Government, they will be found to be extremely general in their terms, leaving the distribution of the duties, and powers of the Secretaries, in a considerable degree to Executive regulation. The law organizing the Treasury Department, however, specifically refers to that Department the settlement of all public accounts. The pecuniary embarrassments by which the Government was pressed at that period, requiring a system of the most rigid economy in the public disbursements, could not fail to give peculiar force to the idea that the Department charged with the replenishment of the Treasury should have a direct control over the public expenditure. Under the influence of this idea, all purchases for supplying the army with provisions, clothing, supplies, in the Quartermaster's department, military stores, Indian goods, and all other supplies or articles for the use of the War Department, were, by executive regulation, directed to be made by the Treasury Department.

The first important change which was made in the organization of the War Department, was effected by the act of the 8th of May, 1792, which created the office of accountant of that Department, and

referred to that officer the settlement of all accounts relative to the pay of the Army, the subsistence of the officers, bounties to soldiers, expenses of the recruiting service, and the incidental and contingent expenses of the Department. The accounts settled by the accountant were to be certified quarterly, and sent to the accounting officers of the Treasury for their revision. This act continues with the Treasury Department the power of making, for the War Department, the purchases before enumerated.

On the 80th of April, 1798, the Navy Department was created. From the organization of the Government to this date, the Secretary of War executed the orders of the President in relation to the Navy. On the 16th of July, in the same year, the office of Accountant of the Navy was created, and the settlement of all accounts in the Navy Department was referred to that office. On the same day the power of the Treasury Department to make contracts for the War Department was rescinded, and all the accounts of that Department were, thenceforward, settled by the accountant.

The power of revision, both as to the accounts of the War and Navy Departments, was, and still is, reserved to the accounting officers of the Treasury. This power, however, from the period of the primary settlement of the accounts of the War and Navy Department, was withdrawn from the Treasury, ceased to be useful, and has been preserved merely for the sake of form. In the Treasury, balances or debts admitted on settlement, are paid only upon the report of the Auditor, confirmed by the Comptroller, whose decision is final. In the War and Navy Departments, the sums reported by the Accountants to be due to individuals, are paid without waiting for the revision of the accounting officers of the Treasury. This practice, which has been adopted in some measure from necessity, is not believed to be incompatible with the provisions of the law requiring that revision. The Accountants of the War and Navy Departments are required to transmit quarterly all the accounts, which have been settled, to the Treasury Department for final revision. It could not have been the intention of Congress that an officer or an individual, to whom money was found to be due, by the report of the Accountant of either of those Departments, should wait for payment not only until the expiration of the charter, but until his accounts should be re-examined by the Auditor of the Treasury, and also by the Comptroller.

The delays to which this course would necessarily have led, must have produced a state of confusion, which, in a short period, could not have failed to have obstructed all the operations of the Government. On the other hand, it is manifest, that from the moment payments were made upon the settlement of the accountants, before the revisionary power of the Treasury officers was exercised, revision became useless. The leading feature of the organic laws of the Departments, that the settlement of the public accounts should exclusively rest with the Department, which was charged with the replenishment of the Treasury, was substantially abandoned. The form, indeed, was preserved, but the vital principle was extinguished.

It is probable that more importance was attached to this principle, by those who presided over the primary organization of the Departments, than it intrinsically merits. The power of the accounting officers, whether belonging to the Treasury Depart-

ment, or to those in which the disbursements are made, to enforce economy in any branch of the public service, must necessarily be extremely limited.

In disbursements for the pay, subsistence, and clothing of the Army, while rations are furnished by contracts, the most rigid economy may be easily enforced. In the Quartermaster's department, and where provisions are supplied by a commissariat, the accounting officers can exercise but a very limited control. The principal reliance of the Government for economy, in those Departments, must be upon the integrity of the persons employed. Over the contingent disbursements of the War and Navy Departments, which, in time of war, are considerable, and which, in all Governments, are extremely liable to abuse, the accounting officers have still less control. For economy in that branch of the public service, the heads of those Departments must be responsible to the nation. From this view of the subject, it appears not to be so important that the public accounts should be settled in the Treasury Department, as that they should be promptly and finally settled.

Whatever diversity of opinion may exist upon this subject, it is believed that there can be none upon the propriety of either returning to the principle upon which the Departments were originally organized, or referring the settlement of all public accounts immediately to the Treasury Department, or of finally settling the accounts of the War and Navy Departments without the intervention of the accounting officers of the Treasury. The former has the recommendation of unity and simplicity in theory; and, it is believed, that no serious inconvenience will result from its practice. The latter would insure the prompt and final settlement of the accounts of the several Departments, but might, possibly, lead to the establishment of different principles in the settlement of the public accounts in the respective Departments. Under judicious regulations, it is believed that the prompt and final settlement of the public accounts may be as effectually secured by the former, as by the latter modification.

Whichever modification may be adopted, an increase in the number of the accounting officers appears to be indispensable. From the year 1792, when the office of Accountant of the War Department was created, to the year 1798, when all the accounts of the War Department were referred for settlement to that officer, the military force of the United States was not so extensive as the present Military Peace Establishment. The duties assigned the Accountant at the former period was, as has been already stated, the settlement of all accounts relative to the pay of the Army, the subsistence of officers, bounties to soldiers, expenses of the recruiting service, and the contingent expenses of the War Department. The services required by that act, are believed to be sufficient to give full employment to one accounting officer. By the act of 1798, the settlement of the accounts relative to the subsistence of the Army, the Quartermaster's department, the clothing department, the purchase of arms and munitions of war, and to the Indian Department, were referred to the Accountant of the War Department.

The want of power to compel those to whom the collection, or disbursement of the public money has been confided, to render their vouchers and settle their accounts, when required, has largely contributed to swell the list of unsettled accounts. The power of dismissing from office for misfeasance or nonfeasance

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[SENATE.]

in office, especially with the collecting officers, is sufficiently coercive, as long as the conduct of the officer will bear examination, and powerfully contributes to keep him in the line of his duty. But when the settlement of his accounts must expose his guilt, and especially when he has been dismissed from office, this coercion entirely ceases. With disbursing offices, and particularly in the Military Establishment, this mode of coercion is much more feeble. In that department, too, there is the strongest reason for the adoption of the most vigorous measures to bring to a prompt and final settlement those who have been intrusted with the disbursement of money, particularly in the Quartermaster's and Paymaster's department. Until the accounts of the Quartermaster General of an army, or of a military district, are settled, it is impossible to settle the accounts of the deputies and assistants, the barrackmasters, foragemasters, and quartermasters, employed with the same army, or in the same district. The same observation applies to the pay departments. Until the deputy paymaster-general settles his accounts, or at least until he renders his vouchers, none of the district, assistant district paymasters, or regimental paymasters, can settle their accounts. This observation applies to the several grades in both Departments. Thus a single officer, who knows himself to be a public defaulter, may, by standing aloof, and by procrastinating the decision of law, after suit is brought, prevent, for years, the settlement of the accounts of other officers, who may be solicitous to adjust them.

In conformity with these preliminary observations, the undersigned respectfully propose, that it is expedient—

First. That another independent Department of the Government be organized, to be denominated the "Home Department."

That the Secretary of this Department shall execute the orders of the President in relation to,

1. The Territorial governments.
2. The National Highways and Canals.
3. The General Post Office.
4. The Patent Office.
5. The Indian Department.

Second. That the primary and final settlement of all accounts be made in the Treasury Department, and that the organization of that Department be modified, so as to authorize the appointment of

1. Four additional Auditors.
2. One additional Comptroller.
3. One Solicitor.

4. That the Mint Establishment be placed under the direction of the Treasury Department.

Third. That the office of Accountant of the War and Navy Department, and of the Superintendent General of Military Supplies, be abolished.

Fourth. That the survey of the coast be confided to the Navy Department.*

According to the modification here recommended, the

First Auditor will be charged with the settlement of the public accounts, accruing in the Treasury Department.

Second Auditor will be charged with the settlement of all accounts relative to the pay and clothing of the Army, the subsistence of the officers, bounties and premiums, the recruiting service, and the contingent expenses of the War Department.

Third Auditor will be charged with the settlement of all accounts relative to the Army, the Quartermaster's department, the Hospital department, and the Ordnance department. Both of these Auditors will keep the property account connected with those branches of service, in the War Department, confided to them, respectively.

Fourth Auditor will be charged with the settlement of all accounts relative to the Navy Department. And the

Fifth Auditor will be charged with the settlement of all accounts relative to the State and Home departments.

The First Comptroller being relieved from directing and superintending the recovery by suits of all debts due the Government, will revise all accounts settled by the First and Fifth Auditor.

Second Comptroller will revise all settlements made by the Second, Third, and Fourth Auditors.

The Solicitor of the Treasury will be charged with the recovery of the debts due the Government, according to the forms prescribed by law.

JAMES MONROE,
WM. H. CRAWFORD,
GEO. GRAHAM,
Acting Sec'y of War.
B. W. CROWNSHIELD.

DECEMBER, 1815.

HON. JOHN GAILLARD,

President pro tem. of the Senate.

WEDNESDAY, December 11.

Mr. VAERNUM communicated the instructions of the Legislature of the Commonwealth of Massachusetts to their Senators in Congress, to use their influence to effect the repeal of the act, passed the nineteenth day of March last, changing the mode and increasing the compensation of members of Congress; which were read.

THURSDAY, December 12.

ROBERT H. GOLDSBOROUGH, from the State of Maryland, arrived on the 11th, and attended this day.

GEORGE M. TROUP, (who arrived on the 11th instant,) appointed a Senator by the Legislature of the State of Georgia, to fill the vacancy occasioned by the resignation of William W. Bibb, produced his credentials, was qualified, and took his seat in the Senate.

The credentials of GEORGE M. TROUP, appointed a Senator by the Legislature of the State of Georgia, for the term of six years, commencing on the 4th day of March next, were also read, and laid on file.

The oath prescribed by law was administered to JAMES NOBLE and WALLER TAYLOR, respectively, appointed Senators by the Legislature of the State of Indiana; their credentials having been read and filed on the 2d instant, they took their seats in the Senate.

On motion, by Mr. MORROW,

Resolved, That the Senate proceed to ascertain the classes in which the Senators of the State of Indiana shall be inserted, in conformity

* As it is in England.

to the resolution of the 14th of May, 1789, and as the constitution requires.

On motion, by Mr. MORROW,

Ordered, That the Secretary put into the ballot-box three papers, of equal size, numbered 1, 2, and 8; each of the said Senators shall draw out one paper. No. 1, if drawn, shall entitle the member to be placed in the class of Senators whose terms of service will expire on the 8d of March, 1817; No. 2, in the class whose terms will expire on the 8d of March, 1819; and No. 8, in the class whose terms will expire on the 8d of March, 1821.

Whereupon, the numbers above mentioned were, by the Secretary, rolled up and put into the box; when Mr. NOBLE drew No. 8, and is accordingly of the class of Senators whose terms of service will expire on the 8d of March, 1821; and Mr. TAYLOR drew No. 2, and is accordingly of the class whose terms of service will expire on the 8d of March, 1819.

MONDAY, December 16.

MONTFORT STOKES, who arrived on the 18th instant, appointed a Senator by the Legislature of the State of North Carolina, to fill the vacancy occasioned by the resignation of James Turner, produced his credentials, was qualified, and took his seat in the Senate.

The credentials of MONTFORT STOKES, appointed a Senator by the Legislature of North Carolina, for the term of six years, commencing on the 4th day of March next, were read, and ordered to lie on file.

THURSDAY, December 19.

SAMUEL W. DANA, from the State of Connecticut, arrived on the 18th, and attended this day.

TUESDAY, December 24.

The credentials of MARTIN D. HARDIN, appointed a Senator by the Legislature of the State of Kentucky, to fill the vacancy occasioned by the resignation of William T. Barry, were read; and the oath prescribed by law was administered to him.

FRIDAY, December 27.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

It is found that the existing laws have not the efficacy necessary to prevent violations of the obligations of the United States, as a nation at peace, towards belligerent parties, and other unlawful acts on the high seas, by armed vessels equipped within the waters of the United States.

With a view to maintain more effectually the respect due to the laws, to the character, and to the neutral and pacific relations of the United States, I recommend to the consideration of Congress the expediency of such further legislative provisions as

may be requisite for detaining vessels actually equipped, or in a course of equipment, with a warlike force, within the jurisdiction of the United States; or, as the case may be, for obtaining from the owners or commanders of such vessels adequate securities against the abuse of their armaments, with the exceptions, in such provisions, proper for the cases of merchant vessels furnished with the defensive armaments usual on distant and dangerous expeditions; and of a private commerce in military stores permitted by our law, and which the law of nations does not require the United States to prohibit.

JAMES MADISON.

DECEMBER 26, 1816.

The Message was read, and, on motion by Mr. ROBERTS, referred to the Committee on Foreign Relations, to consider and report thereon, by bill or otherwise.

The Senate adjourned to Monday.

MONDAY, December 30.

RUFUS KING, from the State of New York, arrived on the 27th instant, and attended this day.

THURSDAY, January 2, 1817.

ALEXANDER CONTEE HANSON, appointed a Senator by the Legislature of the State of Maryland, to fill the vacancy occasioned by the resignation of Robert G. Harper, produced his credentials, was qualified, and took his seat in the Senate.

MONDAY, January 6.

Home Department.

Mr. SANFORD, from the committee to whom was referred so much of the Message of the President of the United States as relates to an addition to the Executive Department, and to the office of Attorney-General, reported a bill to establish a new Executive Department, and for other purposes; and the bill was read and passed to the second reading.

Attorney-General.

Mr. SANFORD, from the same committee, reported a bill concerning the Attorney-General of the United States, and the bill was read, and passed to the second reading.

FRIDAY, January 10.

WILLIAM SMITH, appointed a Senator by the Legislature of the State of South Carolina, to fill the vacancy occasioned by the resignation of John Taylor, produced his credentials, was qualified, and took his seat in the Senate.

The Public Offices.

The bill to create a new Executive (Home) Department was taken up.

Mr. TARR having called on the committee who reported this bill for some explanation of their views in favor of this measure—

Mr. SANFORD briefly gave the explanation requested; though, he said, the reasons having

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Privateer General Armstrong.

[SENATE.]

been stated pretty much at large in the document before the House and the public, he had not conceived it necessary to trouble the House with many remarks on it. He adverted to the growth of the country, the increase of population, and consequently of business in the various public offices. He reviewed the history of the present departments of the Government, and their progressive enlargement in some branches; the Navy Department, for instance, by the addition of the Board of Commissioners, whilst other departments had remained stationary. The business, he said, which, with three and a half millions of population, was necessary to be done in the public offices, bore no proportion to the mass which now called for their attention. The arguments on which he generally sustained the bill, in the course of his remarks were, the great expansion of our public business, the increase of business in the foreign department as well as at home, and the multitude and complication of details of public transactions, which required a distribution of them among the public offices, different from that which now exists.

Mr. KING commenced the expression of his views of this bill by stating the fact that, in the original organization of the Government, it had been made a question whether a Home Department was necessary; and that, after the most mature consideration, it had been decided to be inexpedient; and the Department of State, as its name indicated, was to take charge of all matters of a civil nature, interior as well as foreign. It was true, Mr. K. said, that this was long ago, and that, as his colleague had said, there had been since a considerable increase in the business and population of the country. But was it certain, he asked, that a numerical increase carried with it any thing like a necessity for multiplying departments for managing the public affairs? He could not, himself, see the force of that argument. Was it certain, because something was omitted or left undone in the departments now, that nothing would be omitted should the departments be increased? Whether we resort to experience at home, or wisdom from abroad, it is not proved, Mr. K. said, that by a multiplication of offices the business of a nation is better done. It was not certain that services would be better performed by the creation of a head of a department, which services not he, but others to be placed under him, are to perform. Supposing any department, the Treasury, for instance, to have full occupation, would the creation of two heads to it expedite the public business, or afford any security that it would be better done? He conceived the reverse. No more security would be afforded by creating two Departments of State in the room of one, which he believed was sufficient to despatch all the business now confided to it; most of which, being matter of detail only, required little more than the signature of the Secretary of State. Mr. K. adverted to the branches of business proposed to be assigned to the new department, and re-

marked on each. As to the correspondence with the Governors of States, he said that any man, present at the formation of this Government, would have considered it a very extraordinary idea that a bill even should be introduced into Congress, much less that a law should be passed, to devolve on a subordinate head of a department, the tenure of whose office was at the will of the President, the charge of correspondence with the Governors of the several States. When General WASHINGTON was President, the Governors corresponded directly with him, and why? Because they hold an important portion of the sovereign power. For various reasons he assigned, Mr. K. was opposed to creating a new department to transact this business. As to the correspondence with the territorial officers, he said, that was no very distressing labor, being little more than a matter of form, attended to, except the mere signature of the Secretary, by the clerks in the office. As to treaties with the Indian tribes, he thought it well to leave that concern where it was; and, as to the trade with them, he hardly knew what it was; he should object, however, to appropriating any more money for Indian trade. Relative to the concerns of the District of Columbia, he did not conceive a department necessary for their management, and still less for the management of the Patent Office, to which, as at present, a single clerk was fully competent. On the whole, he could not see the necessity for creating a new department, the head of which would have a place in the Cabinet, and be one of the President's counsellors. Wishing further time to be afforded for the consideration of this important bill, he proposed its postponement for a few days.

On the suggestion of Mr. TAIT, and on motion of Mr. KING, the further consideration of the bill was postponed to Wednesday next.

MONDAY, January 18.

The credentials of WILLIAM SMITH, appointed a Senator by the Legislature of the State of South Carolina, for the term of six years, commencing on the fourth day of March next, were read, and laid on file.

MONDAY, January 20.

Privateer General Armstrong.

Mr. TAIT, from the Committee on Naval Affairs, to whom was referred the memorial of Frederick Jenkins and Rensselaer Havens, in behalf of the owners, officers, and crew of the late private armed brig General Armstrong, made a report; which was read. The report is as follows:

The Naval Committee of the Senate, to whom has been referred the memorial of Frederick Jenkins and Rensselaer Havens, in behalf of the owners, officers, and crew, of the late private armed brig General Armstrong, report:

The memorialists state that on the 26th of September, in the year 1814, while the private armed brig

General Armstrong was lying at anchor in the port of Fayal, she was attacked by a superior British force, and, after a brave resistance by her commander, Samuel C. Reed, and his valiant crew, the brig was destroyed. They also state that the vessel and armament cost \$42,000, and pray that such relief, indemnity, or compensation may be extended to the owners, officers, and crew of the privateer, as, under the peculiar circumstances attending her destruction, may be deemed by Congress just and equitable.

The committee are left to conjecture the grounds on which the memorialists rely for a remuneration or indemnity from their own Government. It is presumed, however, that the claim must be supported, if supported at all, on one of two grounds: 1st. Because the vessel and armament were destroyed by the public enemy in a *neutral port, in violation of the laws of nations*; or, 2dly. Because the brave and gallant defence of Captain Reed, his officers and crew, entitles them to the bounty of the Government.

The committee are unable to perceive what right of indemnity the citizens of the United States can acquire against their own Government for losses sustained in consequence of the violated rights of a third party. It is the duty, no doubt, of all Governments, to extend to the person and property of the citizen all the protection in their power. It is the end of all Governments to do so. It is the right of the citizen to make known his wrongs to his Government, and it is the duty of the Government to seek redress by such means as it may deem expedient. The neutrality of Portugal was grossly violated in the case of the private armed ship General Armstrong. It was the duty of that Government to preserve her neutral character, and to protect the brig and all on board from any hostile attack while in her port. Either from want of ability or inclination she failed to do so. But can this failure to support its own rights and perform its duty towards us, vest a right in an individual to come on his own Government for indemnity on account of a pecuniary loss? The United States, it is believed, have done, or will do, what comports with their rights and their character. That indemnity from Portugal for the loss of this property should be insisted on as an affair of State, is perhaps highly proper; but the committee cannot perceive how the weakness or the delinquency of Portugal can impose on the United States the duty of indemnifying the memorialists for the loss of the brig and her armament.

The committee believe that this opinion is in conformity with the practice of this Government, and perhaps of all Governments. Antecedent to the year 1802, much property belonging to citizens of the United States had been wrongfully seized by the cruisers of France. In no case known to the committee did this Government indemnify its citizens from its own Treasury. Indemnity was sought from France by negotiation, and obtained in the Louisiana convention. Citizens of the United States at this moment have claims to a vast amount against the Governments of France, Spain, and Naples, for property seized in violation of all right. On principle, all these claimants have the same right to demand indemnity from their own Government as the memorialists in the present case; for, in principle, the committee can see no distinction between a private armed ship and a merchant ship; nor between property captured and converted to the use of the captors, and property destroyed by a third party omitting to do its duty.

If this is a mere appeal to the liberality of Congress; if the memorialists rely for the success of their application on the bravery, gallantry, and good conduct of Captain Reed, his officers and crew, in the defence of the vessel, then the committee are sensible that a stronger case of the kind could not present itself. The stubborn bravery, the cool intrepidity, and presence of mind displayed by Captain Reed and his associates in the defence of the ship, were perhaps never equalled, certainly never surpassed, by any private armed vessel in the annals of naval warfare. It has excited the admiration of the nation, and cannot fail to immortalize those concerned. If actions like this are to be rewarded with money, too much could not be given. But Government is but the trustee of the nation, and is bound deliberately to examine into the principle on which the treasure of the nation is bestowed, and the extent of the precedent which is set in bestowing it. It is unknown to the committee that Congress, as yet, has ever dispensed its bounty, or in any way bestowed a gratuity for any achievement, except to its own peculiar force, nor in any case except there was victory. The committee are of opinion that it would be inexpedient to do so. It would open the Treasury to a class of cases arising out of the last war which would be extensive and onerous. The effects of such a measure must be counted on, for they would be felt in all future wars.

The case of the *Essex*, attacked also in a neutral situation, was a strong one. The defence there, too, was valiant, persevering, and highly honorable to all on board, as well as to the nation; yet Congress has done nothing, for the essential quality of victory was wanting to the transaction. The committee, therefore, in whatever aspect they view the application of the memorialists, are of opinion that it would be unsafe and inexpedient to grant it, and recommend the following resolution:

Resolved, That the Committee on Naval Affairs be discharged from the further consideration of the memorial of Frederick Jenkins and Benseelaer Haven.

TUESDAY, January 21.

The resolution to authorize the President of the United States to employ John Trumbull to compose and execute certain paintings, was read a third time; and on the question, "Shall this resolution pass?" it was determined in the affirmative—yeas 25, nays 7, as follows:

YEAS.—Messrs. Ashmun, Barbour, Brown, Daggett, Dana, Fromentin, Gaillard, Goldsborough, Hardin, Horsey, Hunter, King, Mason of New Hampshire, Mason of Virginia, Sanford, Smith, Stokes, Tait, Talbot, Taylor, Thompson, Tichenor, Varnum, Wells, and Williams.

NAYS.—Messrs. Condit, Macon, Morrow, Noble, Roberts, Ruggles, and Wilson.

So it was

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to employ John Trumbull, of Connecticut, to compose and execute four paintings commemorative of the most important events of the American Revolution; to be placed, when finished, in the Capitol of the United States.

FEBRUARY, 1817.]

Presidential Election.

[SENATE.]

THURSDAY, January 28.

Richard Taylor, Senior, Naval Officer of the Revolution.

Mr. TALBOT presented the petition of Richard Taylor, senior, a naval officer of the Revolutionary war, praying a pension, or other relief, in consideration of a severe wound, received while engaged in the service of his country, as stated in the petition; which was read, and referred to the Committee on Pensions, to consider and report thereon by bill or otherwise.

THURSDAY, January 30.

Massachusetts Peace Society.

Mr. VARNUM presented the memorial of the members of the Peace Society of Massachusetts, representing their views of the methods "which may diminish the frequency or circumscribe the calamities of war," and "may express the most noble of all ambitions, that of promoting peace on earth, and good will to man," and soliciting the attention of Congress; and the memorial was read.

The Senate adjourned to Monday.

MONDAY, February 3.

Abolition of Slavery.

Mr. ROBERTS presented the petition of the Pennsylvania Society for promoting the abolition of slavery, the relief of free negroes unlawfully held in bondage, and for improving the condition of the African race; and the petition was read, and referred to the committee on so much of the Message of the President of the United States as relates to the slave trade, to consider and report thereon, by bill or otherwise.

Appropriation for Indian Treaties.

The bill making an appropriation to enable the President of the United States to hold treaties with the Indian tribes, for the purpose therein mentioned, was read a third time, and the blank filled with "50,000."

On the question, "Shall this bill pass?" it was determined in the affirmative—yeas 24, nays 10, as follows:

YEAS.—Messrs. Ashmun, Barbour, Campbell, Condit, Gaillard, Hardin, King, Lacock, Macon, Mason of New Hampshire, Morrow, Noble, Roberts, Ruggles, Sanford, Smith, Stokes, Tait, Talbot, Taylor, Tichenor, Troup, Varnum, and Williams.

NAYS.—Messrs. Brown, Chace, Daggett, Fromentin, Goldsborough, Horsey, Mason of Virginia, Thompson, Wells, and Wilson.

So it was *Resolved*, That this bill pass, and that the title thereof be, "An act making an appropriation to enable the President of the United States to hold treaties with the Indian tribes, for the purpose therein mentioned."

Claim of Beaumarchais.

The following Message was also received from the PRESIDENT OF THE UNITED STATES:

*To the Senate and House of**Representatives of the United States:*

The Envoy Extraordinary and Minister Plenipotentiary of His Most Christian Majesty, having renewed, under special instructions from his Government, the claim of the representative of Baron de Beaumarchais, for one million of livres, which were debited to him in the settlement of his accounts with the United States, I lay before Congress copies of the memoir on that subject, addressed by the said Envoy to the Secretary of State.

Considering that the sum of which the million of livres in question made a part, was a gratuitous grant from the French Government to the United States, and the declaration of that Government, that that part of the grant was put into the hands of M. de Beaumarchais as its agent, not as the agent of the United States, and was duly accounted for by him to the French Government; considering, also, the concurring opinions of two Attorneys-General of the United States, that the said debit was not legally sustainable in behalf of the United States, I recommend the case to the favorable attention of the Legislature, whose authority alone can finally decide on it.

JAMES MADISON.

JANUARY 31, 1817.

The Message and accompanying memoir were read.

TUESDAY, February 4.

Commodore Richard Taylor.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, granting a pension to Commodore Richard Taylor, and the bill having been amended, the PRESIDENT reported it to the House accordingly; and it was ordered to be engrossed, and read a third time.

MONDAY, February 10.

The credentials of JOHN WILLIAMS, appointed a Senator by the Executive of the State of Tennessee, to hold said appointment from the 4th day of March next, until the meeting of the next session of the General Assembly of that State, were presented; and the credentials were read and laid on file.

TUESDAY, February 11.

Presidential Election.

Mr. MACON, from the joint committee appointed on the 10th instant to ascertain and report a mode of examining the votes for President and Vice President of the United States, and of notifying the persons elected of their election, reported in part the following resolution, which was read and agreed to:

Resolved, That the two Houses shall assemble in the Chamber of the House of Representatives on Wednesday next, at 12 o'clock; that one person be appointed a teller, on the part of the Senate, to make a list of votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the votes, and the persons elected, to the two Houses assembled as afore said, which shall be deemed a declaration of the per-

sons elected President and Vice President, and, together with a list of the votes, be entered on the Journals of the two Houses.

Ordered, That Mr. MACON be appointed teller on the part of the Senate, agreeably to the foregoing resolution.

WEDNESDAY, February 12.

Electoral Votes for President.

A message from the House of Representatives informed the Senate that the House is now ready to attend the Senate, and proceed in opening the certificates and counting the votes of the Electors of the several States for a President and Vice President of the United States, in pursuance of the resolution of the two Houses of Congress.

The two Houses of Congress, agreeably to the joint resolution, assembled in the Representatives Chamber, and the certificates of the Electors of the several States, were, by the PRESIDENT of the Senate, opened and delivered to the tellers appointed for the purpose, who, having examined and ascertained the number of votes, presented a list thereof to the PRESIDENT of the Senate, which was read as follows:

STATES.	President, Vice President.					
	James Monroe, of Virginia.	Rufus King, of New York.	Daniel D. Tompkins, of New York.	John E. Howard, of Maryland.	James Ross, of Pennsylvania.	John Marshall, of Virginia.
New Hampshire	-	8	-	8	-	-
Massachusetts	-	22	-	22	-	-
Rhode Island	-	4	-	4	-	-
Connecticut	-	9	-	-	5	4
Vermont	-	8	-	8	-	-
New York	-	29	-	29	-	-
New Jersey	-	8	-	8	-	-
Pennsylvania	-	25	-	25	-	-
Delaware	-	-	3	-	-	8
Maryland	-	8	-	8	-	-
Virginia	-	25	-	25	-	-
North Carolina	-	15	-	15	-	-
South Carolina	-	11	-	11	-	-
Georgia	-	8	-	8	-	-
Kentucky	-	12	-	12	-	-
Tennessee	-	8	-	8	-	-
Ohio	-	8	-	8	-	-
Louisiana	-	3	-	3	-	-
Indiana	-	3	-	3	-	-
Total	-	183	84	183	22	5 4 8

The whole number of votes being 217, of which 109 make a majority.

Whereupon, the President of the Senate declared JAMES MONROE elected President of the United States for four years, commencing with the fourth day of March next; and DANIEL D. TOMPKINS Vice President of the United States, commencing with the fourth day of March next.

The votes of the Electors were then delivered to the Secretary of the Senate; the two Houses of Congress separated, and the Senate returned to their own Chamber.*

* The nominations of Messrs. Monroe & Tompkins had been made by a caucus of the Republican members of Congress, of which the National-Intelligencer gives this account:

NOMINATION OF PRESIDENT, &c.

Hall of Representatives, Tuesday Evening, 12th March 1816.

A number of the Republican Senators and Representatives, assembled for the purpose of taking into consideration the propriety of recommending proper persons as candidates for President and Vice President of the United States—the honorable JEREMIAH MORROW, Senator from Ohio, was called to the Chair, and LEWIS CONDUCT, of New Jersey, was appointed Secretary.

Resolved, That in order to obtain a more general expression of the sentiments of the Republicans, relative to the approaching Presidential election; the Republican Senators, Representatives, and Delegates, be invited and requested to assemble in this place on Saturday evening the 16th inst., at 7 o'clock—and that the invitation be given, by publishing the proceedings of this meeting in the National-Intelligencer and the Washington City Gazette, signed by the Chairman and Secretary.

By order of the meeting, JEREMIAH MORROW.
LEWIS CONDUCT, Secretary.

REPUBLICAN MEETING.

Chamber of the House of Representatives of the United States, March 16, 1816.

At a meeting of the Republican members of Congress assembled this evening pursuant to public notice, for the purpose of taking into consideration the propriety of recommending to the people of the United States suitable persons to be supported at the approaching election for the offices of President and Vice President of the United States, one hundred and eighteen members of the Senate and House of Representatives, and one delegate, attended.

General SAMUEL SMITH, of Maryland, was called to the Chair, and Colonel RICHARD M. JOHNSON, of Kentucky, appointed Secretary.

And being so organized—

Mr. CLAY submitted the following resolution:

Resolved, That it is inexpedient to make, in caucus, any recommendation to the good people of the United States of persons, in the judgment of this meeting, fit and suitable to fill the offices of President and Vice President of the United States.

And the question being taken thereon—

It was determined in the negative.

Mr. TAYLOR, of New York, then submitted the following resolution, to wit:

Resolved, That the practice of nominating candidates for the offices of President and Vice President of the United States, by a convention of the Senators and Representatives in Congress, is inexpedient, and ought not to be continued.

And the question being taken thereon—

It was also determined in the negative.

The meeting then proceeded to the recommendation:

Upon which it appeared that the Hon. JAMES MONROE had sixty-five votes, and the Hon. WILLIAM H. CRAWFORD fifty-four votes, for the office of President.

That his Excellency DANIEL D. TOMPKINS, of New York, had eighty-five votes, and his Excellency SIMON SMITH thirty votes, for the office of Vice President.

And thereupon—

Mr. CLAY submitted the following resolutions, which were concurred in without opposition:

Resolved, That this meeting do recommend to the people of the United States, JAMES MONROE, of Virginia, as a suitable person for the office of President of the United States, and DANIEL D. TOMPKINS, of New York, as a suitable person for the office of Vice President of the United States, for the term of four years, commencing on the 4th day of March next.

Resolved, That the Chairman and Secretary be appointed

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Fugitive Slaves.

[SENATE.]

THURSDAY, February 18.

Notification of Election.

On motion by Mr. MACON,
Resolved, That the President of the United States be requested to cause to be delivered to JAMES MONROE, Esquire, of Virginia, now Secretary of State of the United States, a notification of his election to the office of President of the United States; and to be transmitted to DANIEL D. TOMPKINS, Esquire, of New York, a notification of his election to the office of Vice President of the United States; and that the President of the Senate do make out and sign a certificate in the words following, viz:

"Be it known, That the Senate and House of Representatives of the United States of America, being convened at the city of Washington, on the second Wednesday in February, in the year of our Lord, one thousand eight hundred and seventeen, the undersigned, President of the Senate, *pro tempore*, did, in presence of the said Senate and House of Representatives, open all the certificates and count all the votes of the Electors for President and Vice President of the United States; whereupon it appeared that James Monroe, of Virginia, had a majority of the votes of the Electors as President, and Daniel D. Tompkins, of New York, had a majority of the votes of the Electors as Vice President. By all which it appears that James Monroe, of Virginia, has been duly elected President, and Daniel D. Tompkins, of New York, has been duly elected Vice President of the United States, agreeably to the constitution.

"In witness whereof, I have hereunto set my hand, this — day of February, one thousand eight hundred and seventeen."

And that the President of the Senate do cause the certificate aforesaid to be laid before the President of the United States, with this resolution.

FRIDAY, February 14.

The President communicated the credentials of NICHOLAS VANDYKE, appointed a Senator by the Legislature of the State of Delaware, for the term of four years, commencing on the fourth day of March next; which were read, and laid on file.

Roads and Canals.

Mr. LACOCK, from the committee appointed on so much of the Message of the President of the United States as relates to roads and canals, made a report in part; and the report was read; when Mr. L., from the same committee, to whom was referred the bill entitled "An act to set apart and pledge as a permanent fund for internal improvements the bonus of the United States Bank, and the United States

to ascertain from the persons above mentioned, whether they are disposed to serve in the offices respectively designated.

Ordered, That the proceedings of the meeting be signed by the Chairman and Secretary, and published in the National Intelligencer. S. SMITH, Chairman.

R. M. JOHNSON, Secretary.

share of its dividends," reported it without amendment.

MONDAY, February 17.

Fugitive Slaves.

The Senate resumed, as in Committee of the Whole, the consideration of the bill respecting persons escaping from the service of their masters, together with the amendments proposed thereto. Mr. VARNUM was requested to take the Chair.

On motion, that the further consideration thereof be postponed until the fifth day of March next, it was determined in the negative — yeas 15, nays 19, as follows:

YEAS.—Messrs. Barbour, Brown, Campbell, Condit, Dana, Fromentin, Gaillard, Hardin, Macon, Mason of Virginia, Smith, Talbot, Tait, Troup, and Williams.

NAYS.—Messrs. Ashmun, Daggett, Goldsborough, Hanson, Horsey, Howell, Hunter, Mason of New Hampshire, Morrow, Noble, Roberts, Ruggles, Sanford, Taylor, Thompson, Tichenor, Varnum, Wells, and Wilson.

The bill having been amended, the PRESIDENT resumed the Chair, and it was reported to the House accordingly.

On the question to concur in the following amendment, made as in Committee of the Whole, to wit:

Insert a new section as follows:

And be it further enacted, That it shall and may be lawful for any constable, or any public officer, or any resident private citizen, and they or either of them are hereby authorized and empowered, to seize or arrest any such negro or negroes, mulatto or mulattoes, or other person or persons of color, and take him, her, or them, before any one of the judges or magistrates aforesaid, and upon oath being made by such constable, officer, or resident private citizen, that he hath just and reasonable grounds to believe that such negro, &c., as the case may be, hath escaped from his, her, or their owner or owners in some other of the United States or Territories, it shall then be the duty of the judge or magistrate aforesaid, and they, and each of them, are hereby required, to commit such negro or negroes, mulatto, or other person or persons of color, to the public jail of the district or county where he, she, or they shall be found and apprehended, for the space of — months, unless the owner or owners shall in a shorter time prove a right of property thereto; and it shall be the duty of the keeper of any jail to which such fugitives shall be committed, to give public notice thereof in some public newspaper for the space of — weeks; describing particularly the fugitive or fugitives so committed.

It was determined in the negative — yeas 15, nays 18, as follows:

YEAS.—Messrs. Barbour, Fromentin, Gaillard, Goldsborough, Hardin, Macon, Mason of Virginia, Ruggles, Smith, Stokes, Tait, Talbot, Taylor, Troup, and Williams.

NAYS.—Messrs. Ashmun, Brown, Daggett, Horsey, Howell, Hunter, King, Lacock, Mason of New Hampshire, Morrow, Noble, Roberts, Sanford, Thompson, Tichenor, Varnum, Wells, and Wilson.

And the amendments made as in Committee

of the Whole, having been concurred in, in part, on the question, "Shall this bill be engrossed, and read a third time?" on motion by Mr. TALBOT, it was agreed to take the question by yeas and nays.

On motion by Mr. SMITH, the further consideration of the bill was postponed until tomorrow.

Military Peace Establishment.

Mr. MASON, of New Hampshire, submitted the following motion for consideration:

Resolved, That the Committee on Military Affairs be instructed to report to the Senate a bill to reduce the Military Peace Establishment of the United States, to the number of five thousand men, to consist of such proportions of artillery, infantry, and riflemen, as the President of the United States shall deem proper, retaining the corps of engineers as at present established.

Mr. MASON said, that being convinced by a deliberate examination of the subject that the present Military Peace Establishment of ten thousand men was greater than the circumstances of the country required, he deemed it his duty to submit this resolution to the consideration of the Senate.

The acquiring and retaining military knowledge and discipline, for the future occasions of the country, is often urged as an argument in favor of the present Army Establishment. It may be doubted whether the present establishment tends much to the promotion of that object. Dispersed in small bodies as the troops now are, throughout the vast extent of the country, neither military knowledge will be acquired, nor discipline enforced. Indeed, little dependence can be placed on an army that has indulged in the idle habits in which all armies will indulge, during a long period of peace. This has been the common experience of all nations, accustomed to keep up their armies during peace, and was strongly exemplified in the total discomfiture of the Prussian army at the battle of Jena.

Whenever we refer, for instruction, to the course pursued during the early years of this Government, we are always surprised by the simplicity and economy of those times, when compared with the present. In no department will this difference be found greater than in the military.

The first act of Congress regulating the military department passed in the year 1790, and expressly provides that the whole number of men, to be at any time retained in service, shall not exceed twelve hundred and sixteen. In a subsequent year, a regiment of infantry, to consist of nine hundred and twelve men, was added to the establishment. In 1794, an addition was made to the corps of artillery, with a provision that the whole corps should not exceed nine hundred and ninety-two. In several subsequent years, during the misunderstanding between this country and France, Congress, by various acts, authorized the raising of additional

numbers of troops. The acts, passed during that period, usually devolved on the President the power of raising a specified number of troops, if in his judgment the exigency of the times should render it necessary.

In the year 1802, the Military Peace Establishment was fixed at the number of three thousand and forty men, exclusive of commissioned officers. At that number it remained, till the difficulties occurred which led to the late war with Great Britain. Some pains have been taken to ascertain the number of troops in service during the first twenty years of this Government. It cannot be determined, with much certainty, from any returns or documents in the office of the Adjutant General. It is, however, confidently believed that the average number, during those twenty years, could not have exceeded three thousand.

This opinion is confirmed by an examination of the expenditures for the military service of those years.

From the statements of the Treasury Department, it appears that the whole expenditure for the military service, including the Indian department, during the first twenty years of the Government, did not amount to twenty-nine millions of dollars. So that the average of annual expenditures during those years, was less than one million and a half. The average annual expenditure, for three years subsequent to 1802, when the Military Peace Establishment was fixed, was only eight hundred and sixty-three thousand dollars. During the first twenty years, the Government was engaged in several expensive Indian wars, was compelled to put down by military force an extensive insurrection, and encountered heavy expenses, in preparation for a war with France. Where is the necessity for having, in the present time of general peace, a greater military Establishment than was deemed sufficient for the security of the country, during that period of general warfare throughout the Continent of Europe? Yet the number of troops now retained is more than three times what it then was, and the authorized expenditure for military service more than four times what it then was.

From our past experience, and from estimates which may be relied on, it may be safely asserted that we can maintain a navy, with ten thousand seamen, in constant service, and including all expenses of building and repairing the ships, for a less sum than is now expended for the same number of land forces. The estimated expense of building and equipping a seventy-four gun ship is \$384,000, of a forty-four gun frigate \$263,000. The whole annual expense of keeping in service a seventy-four gun ship, including the ordinary repairs, with a full crew of six hundred and fifty-six men, is estimated at \$189,000. A frigate with four hundred and fifty men, at \$134,000. Supposing the vessels to last only ten years, the whole expense of building and equipping the vessels and keeping

MARCH, 1817.]

Neutral Relations.

[SENATE.]

them in service, that term of time, with their full crews of eleven hundred and six men, would be \$3,882,000. The expense of maintaining the same number of regular troops in the Peace Establishment, for the same period of time, at the estimated expense of five hundred and fifty dollars a year for each man, would amount to more than six millions of dollars.

There is no occasion for keeping in service, in time of peace, more regular troops than are necessary to guard the Western frontier, and take care of the forts and garrisons. I believe (said Mr. M.) half the present number sufficient for those purposes. No inconvenience was experienced for the want of troops during the time while only three thousand were retained in service. In my judgment, therefore, the Military Peace Establishment ought to be reduced to five thousand men, the one-half its present number. I believe it would be consistent with the safety, and in furtherance of the best interests of the country. The saving to the Treasury that would be made, which would exceed two and a half millions of dollars a year, might be applied, partly, to a further increase of the navy, and partly towards a more speedy extinguishment of the national debt.

THURSDAY, February 27.

Internal Improvements.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to set apart and pledge, as a permanent fund for internal improvements, the bonus of the National Bank, and the United States share of its dividends."

The bill having been amended, the PRESIDENT resumed the Chair, and it was reported to the House accordingly.

On the question, "Shall the amendments be engrossed, and the bill be read a third time as amended?" it was determined in the affirmative—yeas 22, nays 16, as follows:

YEAS.—Messrs. Barbour, Brown, Fromentin, Goldsborough, Hanson, Hardin, Horsey, King, Lacock, Mason of New Hampshire, Mason of Virginia, Morrow, Noble, Roberts, Ruggles, Sanford, Stokes, Tait, Talbot, Taylor, Wells, and Wilson.

NAYS.—Messrs. Ashmun, Campbell, Chace, Condit, Daggett, Dana, Gaillard, Howell, Hunter, Macon, Smith, Thompson, Tichenor, Troup, Varnum, and Williams.

SATURDAY, March 1.

Inauguration of the President elect.

The PRESIDENT communicated to the Senate the following letter from the President elect of the United States:

CITY OF WASHINGTON, March 1, 1817.

SIR: I beg leave through you, to inform the honorable Senate of the United States, that I propose to take the oath which the constitution prescribes to the President of the United States, before he enters on the execution of his office, on Tuesday the 4th

instant, at 12 o'clock, in the Chamber of the House of Representatives.

I have the honor to be, &c.,

JAMES MONROE.

HON. JOHN GAILLARD,

President of the Senate.

Whereupon, on motion by Mr. BARBOUR, Resolved, That a committee be appointed to make such arrangements as may be necessary for the reception of the President of the United States, on the occasion of his inauguration.

Ordered, That Mr. BARBOUR, Mr. GOLDSBOROUGH, and Mr. TROUP, be the committee.

Mr. BARBOUR, from the committee appointed on the subject, made report. Whereupon,

Resolved, That the Secretary of the Senate inform the House of Representatives that the President elect of the United States will, on Tuesday next, at 12 o'clock, take the oath of office required by the constitution, in the Chamber of the House of Representatives; and that he also inform the President elect that the Senate will be in session at that time.

Neutral Relations.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act more effectually to preserve the neutral relations of the United States," together with the amendments reported thereto by the Committee on Foreign Relations.

On motion by Mr. SMITH that the further consideration thereof be postponed until the 4th of March, instant, it was determined in the negative—yeas 8, nays 28, as follows:

YEAS.—Messrs. Chace, Dana, Fromentin, Gaillard, Noble, Smith, Williams, and Wilson.

NAYS.—Messrs. Ashmun, Barbour, Campbell, Condit, Daggett, Goldsborough, Hardin, Horsey, Howell, Hunter, King, Lacock, Macon, Mason of New Hampshire, Mason of Virginia, Morrow, Roberts, Ruggles, Sanford, Stokes, Tait, Talbot, Taylor, Thompson, Tichenor, Troup, Varnum, and Wells.

On the question to agree to the following amendment, reported by the Committee of Foreign Relations:

"SEC. 2. And be it further enacted, That the owners of all armed ships sailing out of the ports of the United States, and owned wholly or in part by citizens thereof, shall enter into bond to the United States, with sufficient sureties, prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the same ship or vessel shall not be employed by such owners in cruising or committing hostilities, or in aiding or co-operating in any warlike measures against the subjects, citizens, or property, of any Prince or State, or of any colony, district, or people, with whom the United States are at peace"—

It was determined in the affirmative—yeas 17, nays 13, as follows:

YEAS.—Messrs. Barbour, Daggett, Hardin, Horsey, King, Lacock, Macon, Mason of Virginia, Morrow, Sanford, Stokes, Tait, Talbot, Taylor, Tichenor, Troup, and Wells.

NAYS.—Messrs. Campbell, Chace, Condit, Dana, Fromentin, Gaillard, Howell, Noble, Ruggles, Smith, Varnum, Williams, and Wilson.

The amendments having been agreed to, with a further amendment, the PRESIDENT reported the bill to the House accordingly, and the amendments having been concurred in, on the question, "Shall the amendments be engrossed and the bill be read a third time as amended?" it was determined in the affirmative.

MONDAY, March 8.

Evening Session—5 o'clock.

Veto Message.

The bill which had passed both Houses of Congress at the present session, entitled "An act to set apart and pledge certain funds for internal improvements," and presented to the President of the United States for his approbation, has been returned by the President of the United States with the following objections:

*To the House of Representatives
of the United States:*

Having considered the bill this day presented to me, entitled "An act to set apart and pledge certain funds for internal improvements," and which sets apart and pledges certain funds "for constructing roads and canals, and improving the navigation of water-courses, in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions for the common defence;" I am constrained, by the insuperable difficulty I feel in reconciling the bill with the Constitution of the United States, to return it with that objection to the House of Representatives, in which it originated.

The legislative powers vested in Congress are specified and enumerated in the eighth section of the first article of the constitution; and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers; or that it falls, by any just interpretation, within the power to make laws necessary and proper for carrying into execution those or other powers vested by the constitution in the Government of the United States.

"The power to regulate commerce among the several States," cannot include a power to construct roads and canals, and to improve the navigation of water-courses, in order to facilitate, promote, and secure such a commerce, without a latitude of construction departing from the ordinary import of the terms, strengthened by the known inconveniences which doubtless led to the grant of this remedial power to Congress.

To refer the power in question to the clause "to provide for the common defence and general welfare," would be contrary to the established and consistent rules of interpretation; as rendering the special and careful enumeration of powers, which follow the clause, nugatory and improper. Such a view of the constitution would have the effect of giving to Congress a general power of legislation, instead of the defined and limited one hitherto understood to belong to them; the terms "common defence and general welfare," embracing every object and act within the purview of a legislative trust. It would have the

effect of subjecting both the constitution and laws of the several States, in all cases not specially exempted, to be superseded by laws of Congress; it being expressly declared "that the Constitution of the United States, and laws made in pursuance thereof, shall be the supreme law of the land, and the judges of every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding." Such a view of the constitution, finally, would have the effect of excluding the judicial authority of the United States from its participation in guarding the boundary between the legislative powers of the General and the State Governments; inasmuch as questions relating to the general welfare, being questions of policy and expediency, are unsuited to judicial cognizance and decision.

A restriction of the power "to provide for the common defence and general welfare," to cases which are to be provided for by the expenditure of money, would still leave within the legislative power of Congress all the great and most important measures of Government; money being the ordinary and necessary means of carrying them into execution.

If a general power to construct roads and canals, and to improve the navigation of water-courses, with the train of powers incident thereto, be not possessed by Congress, the assent of the States in the mode provided in the bill cannot confer the power. The only cases in which the consent and cession of particular States can extend the power of Congress, are those specified and provided for in the constitution.

I am not unaware of the great importance of roads and canals, and the improved navigation of water-courses; and that a power in the National Legislature to provide for them might be exercised with signal advantage to the general prosperity. But seeing that such a power is not expressly given by the constitution; and believing that it cannot be deduced from any part of it without an inadmissible latitude of construction, and a reliance on insufficient precedents; believing, also, that the permanent success of the constitution depends on the definite partition of powers between the General and the State Governments, and that no adequate landmarks would be left by the constructive extension of the powers of Congress, as proposed in this bill, I have no option but to withhold my signature from it; and cherishing the hope that its beneficial objects may be attained by a resort for the necessary powers, to the same wisdom and virtue in the nation which established the constitution in its actual form, and providently marked out, in the instrument itself, a safe and practicable mode of improving it, as experience might suggest.

JAMES MADISON.

MARCH 8, 1817.

And the House of Representatives, in which House the bill originated, have taken the question as prescribed by the Constitution of the United States, and have resolved, that the said bill do not pass.

Closing Business.

On motion by Mr. GOLDSBOROUGH,
Resolved unanimously, That the thanks of the Senate be presented to the Honorable JOHN GAILLARD, for the able and satisfactory manner in which he has discharged the duties of the President *pro tempore* of the Senate since his appointment to that office, and that this testi-

MARCH, 1817.]

Proceedings.

[SENATE.]

monial of their approbation and respect be entered upon their Journal.

Whereupon, Mr. GAILLARD addressed the Senate as follows :

Gentlemen of the Senate :

The approbation of a body so respectable and distinguished as that which I have now the honor to address, is received with the most profound respect, and will ever be to me a source of pleasing and of grateful recollection. To the habits of order, of decorum, and attention to business, which so strongly mark the character of this honorable body, I have felt myself to be greatly indebted; but more, much more so, to that spirit of liberality and indulgence which has been extended to me on all occasions, and which has been ever ready to overlook my many deficiencies and errors, and to overrate my feeble, humble efforts, which have been directed with anxious solicitude to a faithful and impartial discharge of the duties of the Chair. If, in the course of my official conduct, it should have been my misfortune to have wounded the feelings of any honorable members, or in aught to have offended, I can assure them that such offence was unintentional on my part; and I pray them to accept this apology as an atonement. Permit me now, gentlemen, to tender to you collectively, as well as individually, my grateful acknowledgments for your kindness, and my warmest wishes for your prosperity and happiness.

A message from the House of Representatives informed the Senate that the House had passed a resolution for the appointment of a joint committee to wait on the President of the United States, and notify him of the intended recess, and have appointed a committee on their part, in which they request the concurrence of the Senate.

The Senate proceeded to consider the resolution last mentioned, and concurred therein, and Mr. BARBOUR and Mr. TAIT were appointed the committee on the part of the Senate.

Mr. BARBOUR reported, from the joint committee, that they had waited on the President of the United States, who informed them that he had no further communication to make to the two Houses of Congress.

A message from the House of Representatives informed the Senate that the House, having finished the business before them, are about to adjourn.

Ordered, That the Secretary inform the House of Representatives that the Senate, having finished the legislative business before them, are about to adjourn.

Whereupon the President adjourned the Senate *sine die*.

PROCEEDINGS

OF A

SESSION SPECIALLY CALLED.

TUESDAY, MARCH 4, 1817.

To the Senators of the United States, respectively :

SIR: Objects interesting to the United States requiring that the Senate should be in session on the

fourth of March next, to receive such communications as may be made to it on the part of the Executive, your attendance in the Senate Chamber in this city on that day is accordingly requested.

WASHINGTON, January 1, 1817.

JAMES MADISON.

In conformity with the summons from the President of the United States, above recited, the Senate assembled in their Chamber in the city of Washington.

PRESENT:

JEREMIAH MASON and DAVID L. MORRILL, from New Hampshire.

ELI P. ASHMUN and HARRISON GRAY OTIS, from Massachusetts.

WILLIAM HUNTER and JAMES BURRILL, jun., from Rhode Island.

DUDLEY CHACE and ISAAC TICHENOR, from Vermont.

DAVID DAGGETT and SAMUEL W. DANA, from Connecticut.

RUFUS KING and NATHAN SANFORD, from New York.

JAMES J. WILSON and MAHLON DICKERSON, from New Jersey.

ABNER LACOCK and JONATHAN ROBERTS, from Pennsylvania.

OUTERBRIDGE HORSEY and NICHOLAS VANDYKE, from Delaware.

ROBERT H. GOLDSBOROUGH and ALEXANDER C. HANSON, from Maryland.

JAMES BARBOUR, from Virginia.

NATHANIEL MACON and MONTFORD STOKES, from North Carolina.

JOHN GAILLARD and WILLIAM SMITH, from South Carolina.

CHARLES TAIT and GEORGE M. TROUP, from Georgia.

ISHAM TALBOT, from Kentucky.

GEORGE W. CAMPBELL and JOHN WILLIAMS, from Tennessee.

JEREMIAH MORROW and BENJAMIN RUGGLES, from Ohio.

ELEGIUS FROMENTIN, from Louisiana.

JAMES NOBLE and WALLER TAYLOR, from Indiana.

JOHN GAILLARD, President *pro tempore*, resumed the Chair.

DAVID L. MORRILL, appointed a Senator by the Legislature of the State of New Hampshire; HARRISON GRAY OTIS, appointed a Senator by the Legislature of the Commonwealth of Massachusetts; MAHLON DICKERSON, appointed a Senator by the State of New Jersey; and JAMES BURRILL, jun., appointed a Senator by the Legislature of the State of Rhode Island, respectively for the term of six years, commencing this day, produced their credentials, which were read, and the oath prescribed by law was administered to them, and they took their seats in the Senate.

The oath was also administered to Messrs. SMITH, STOKES, TROUP, VANDYKE, and WILLIAMS; their credentials having been read and filed during the last session.

DANIEL D. TOMPKINS, Vice President of the United States, and President of the Senate, having appeared, Mr. GAILLARD administered the oath of office to him, and he took the Chair; when he addressed the Senate as follows:

Gentlemen of the Senate:

In entering the office of Vice President, I beg leave to offer a public acknowledgment of the honor conferred upon me by the people of the United States, by placing me next in their confidence to that illustrious citizen whose patriotism, virtues, and eminent public services, receive this day the highest reward that a free people can bestow.

I assume the duties assigned me in the Senate with the greatest diffidence, arising from a consciousness of my inexperience in the forms of deliberative assemblies; and when, at the same time, I reflect that this Chair has hitherto been adorned by men of the first distinction for experience, talents, and character, I am oppressed by the magnitude of the responsibility which now devolves upon me.

My heart assures me that I may promise upright intentions, zealous industry, and rigid impartiality. If aught beyond these shall merit approbation, it will be justly ascribed to the wisdom and magnanimity of the members of this dignified body; and upon that wisdom and magnanimity I entirely repose myself for guidance and support.

The President of the United States, the Ex-President, and the Judges of the Supreme Court, having previously entered the Senate Chamber, on motion by Mr. BARBOUR, the Senate adjourned for one hour.

Inaugural Address.

THE PRESIDENT OF THE UNITED STATES, being attended by the Ex-President of the United States, the Vice President, the Judges of the Supreme Court, the Senators, and the marshals of the day, then proceeded to the elevated portico, temporarily erected for the occasion, where, after a short pause, he arose and addressed the audience as follows:

I should be destitute of feeling if I was not deeply affected by the strong proof which my fellow-citizens have given me of their confidence, in calling me to the high office whose functions I am about to assume. As the expression of their good opinion of my conduct in the public service, I derive from it a gratification, which those who are conscious of having done all they could to merit it, can alone feel. My sensibility is increased by a just estimate of the importance of the trust, and of the nature and extent of its duties; with the proper discharge of which the highest interests of a great and free people are intimately connected. Conscious of my own deficiency, I cannot enter on these duties without great anxiety for the result. From a just responsibility I will never shrink; calculating with confidence, that in my best efforts to promote the public welfare, my motives will always be duly appreciated, and my conduct be viewed with that candor and indulgence which I have experienced in other stations.

In commencing the duties of the Chief Executive office, it has been the practice of the distinguished men who have gone before me, to explain the principles which would govern them in their respective ad-

ministrations. In following their venerated example, my attention is naturally drawn to the great cases which have contributed, in a principal degree, to produce the present happy condition of the United States. They will best explain the nature of our duties, and shed much light on the policy which ought to be pursued in future.

From the commencement of our Revolution to the present day, almost forty years have elapsed, and from the establishment of this constitution, twenty-eight. Through this whole term, the Government has been, what may emphatically be called self-government; and what has been the effect? To whatever object we turn our attention, whether it relate to our foreign or domestic concerns, we find abundant cause to felicitate ourselves in the excellence of our institutions. During a period fraught with difficulties, and marked by very extraordinary events, the United States have flourished beyond example. Their citizens, individually, have been happy, and the nation prosperous.

Under this constitution, our commerce has been wisely regulated with foreign nations, and between the States; new States have been admitted into our Union; our territory has been enlarged, by fair and honorable treaty, and with great advantage to the original States; the States, respectively, protected by the National Government, under a mild, parental system, against foreign dangers, and enjoying within their separate spheres, by a wise partition of power, a just proportion of the sovereignty, have improved their police, extended their settlements, and attained a strength and maturity, which are the best proofs of wholesome laws well administered. And if we look to the condition of individuals, what a proud spectacle does it exhibit! On whom has oppression fallen in any quarter of our Union? Who has been deprived of any right of person or property? Who restrained from offering his vows, in the mode which he prefers, to the divine Author of his being? It is well known, that all these blessings have been enjoyed in their fullest extent; and I add, with peculiar satisfaction, that there has been no example of a capital punishment being inflicted on any one for the crime of high treason.

Some, who might admit the competency of our Government to these beneficent duties, might doubt in trials which put to the test its strength and efficiency, as a member of the great community of nations. Here, too, experience has afforded us the most satisfactory proof in its favor. Just as this constitution was put into action, several of the principal States of Europe had become much agitated, and some of them seriously convulsed. Destructive wars ensued, which have, of late only, been terminated. In the course of these conflicts, the United States received great injury from several of the parties. It was their interest to stand aloof from the contest; to demand justice from the party committing the injury; and to cultivate, by a fair and honorable conduct, the friendship of all. War became, at length, inevitable, and the result has shown that our Government is equal to that, the greatest of trials, under the most unfavorable circumstances. Of the virtue of the people, and of the heroic exploits of the Army, the Navy, and the Militia, I need not speak.

Such, then, is the happy Government under which we live; a Government adequate to every purpose for which the social compact is formed; a Government elective in all its branches, under which every

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Inaugural Address.

[SENATE.]

citizen may, by his merit, obtain the highest trust recognized by the constitution; which contains within it no cause of discord; none to put at variance one portion of the community with another; a Government which protects every citizen in the full enjoyment of his rights, and is able to protect the nation against injustice from foreign powers.

Other considerations of the highest importance admonish us to cherish our Union, and to cling to the Government which supports it. Fortunate as we are, in our political institutions, we have not been less so in other circumstances, on which our prosperity and happiness essentially depend. Situated within the temperate zone, and extending through many degrees of latitude along the Atlantic, the United States enjoy all the varieties of climate, and every production incident to that portion of the globe. Penetrating, internally, to the great lakes, and beyond the sources of the great rivers which communicate through our whole interior, no country was ever happier with respect to its domain. Blessed, too, with a fertile soil, our produce has always been very abundant, leaving, even in years the least favorable, a surplus, for the wants of our fellow-men in other countries. Such is our peculiar felicity, that there is not a part of our Union that is not particularly interested in preserving it. The great agricultural interest of the nation prospers under its protection. Local interests are not less fostered by it. Our fellow-citizens of the North, engaged in navigation, find great encouragement in being made the favored carriers of the vast productions of the other portions of the United States, while the inhabitants of these are amply recompensed, in their turn, by the nursery for seamen and naval force thus formed and reared up for the support of our national rights. Our manufactures find a generous encouragement by the policy which patronizes domestic industry; and the surplus of our produce, a steady and profitable market by local wants, in less favored parts, at home.

Such, then, being the highly favored condition of our country, it is the interest of every citizen to maintain it. What are the dangers which menace us? If any exist, they ought to be ascertained and guarded against.

In explaining my sentiments on this subject, it may be asked, What raised us to the present happy state? How did we accomplish the Revolution? How remedy the defects of the first instrument of our Union, by infusing into the National Government sufficient power for national purposes, without impairing the just rights of the States, or affecting those of individuals? How sustain and pass with glory through the late war? The Government has been in the hands of the people. To the people, therefore, and to the faithful and able depositaries of their trust, is the credit due. Had the people of the United States been educated in different principles; had they been less intelligent, less independent, or less virtuous, can it be believed that we should have maintained the same steady and consistent career, or been blessed with the same success? While, then, the constituent body retains its present sound and healthful state, every thing will be safe. They will choose competent and faithful representatives for every department. It is only when the people become ignorant and corrupt; when they degenerate into a populace, that they are incapable of exercising the sovereignty. Usurpation is then an easy attainment, and a usurper soon found. The people

themselves become the willing instruments of their own debasement and ruin. Let us, then, look to the great cause, and endeavor to preserve it in full force. Let us, by all wise and constitutional measures, promote intelligence among the people, as the best means of preserving our liberties.

Dangers from abroad are not less deserving of attention. Experiencing the fortune of other nations, the United States may be again involved in war, and it may in that event be the object of the adverse party to overset our Government—to break our Union and demolish us as a nation. Our distance from Europe, and the just, moderate, and pacific policy of our Government, may form some security against these dangers, but they ought to be anticipated and guarded against. Many of our citizens are engaged in commerce and navigation, and all of them are, in a certain degree, dependent on their prosperous state. Many are engaged in the fisheries. These interests are exposed to invasion in the wars between other powers, and we should disregard the faithful admonition of experience, if we did not expect it. We must support our rights or lose our character, and with it, perhaps, our liberties. A people who fail to do it, can scarcely be said to hold a place among independent nations. National honor is national property of the highest value. The sentiment in the mind of every citizen, is national strength. It ought, therefore, to be cherished.

To secure us against these dangers, our coast and inland frontiers should be fortified; our Army and Navy, regulated upon just principles as to the force of each, be kept in perfect order, and our militia be placed on the best practicable footing. To put our extensive coast in such a state of defence as to secure our cities and interior from invasion, will be attended with expense, but the work, when finished, will be permanent; and it is fair to presume that a single campaign of invasion, by a naval force superior to our own, aided by a few thousand land troops, would expose us to greater expense, without taking into the estimate the loss of property and the distress of our citizens, than would be sufficient for this great work. Our land and naval forces should be moderate, but adequate to the necessary purposes. The former, to garrison and preserve our fortifications, and to meet the first invasions of a foreign foe; and, while constituting the elements of a greater force, to preserve the science as well as all the necessary implements of war, in a state to be brought into activity in the event of war. The latter retained within the limits proper in a state of peace, might aid in maintaining the neutrality of the United States with dignity in the wars of other powers, and in saving the property of their citizens from spoliation. In time of war, with the enlargement of which the great naval resources of the country render it susceptible, and which should be duly fostered in time of peace, it would contribute essentially, both as an auxiliary of defence, and as a powerful engine of annoyance, to diminish the calamities of war, and to bring the war to a speedy and honorable termination.

But it ought always to be held prominently in view, that the safety of these States, and of every thing dear to a free people, must depend in an eminent degree on the militia. Invasions may be made too formidable to be resisted by any land and naval force which it would comport either with the principles of our Government or the circumstances of the

United States to maintain. In such cases, recourse must be had to the great body of the people, and in a manner to produce the best effect. It is of the highest importance, therefore, that they be so organized and trained as to be prepared for any emergency. The arrangement should be such as to put at the command of the Government the ardent patriotism and youthful vigor of the country. If formed on equal and just principles, it cannot be oppressive. It is the crisis which makes the pressure, and not the laws, which provide a remedy for it. This arrangement should be formed too in time of peace, to be the better prepared for war. With such an organization, of such a people, the United States have nothing to dread from foreign invasion. At its approach, an overwhelming force of gallant men might always be put in motion.

Other interests of high importance will claim attention; among which the improvement of our country by roads and canals, proceeding always with a constitutional sanction, holds a distinguished place. By thus facilitating the intercourse between the States, we shall add much to the convenience and comfort of our fellow-citizens; much to the ornament of the country; and what is of greater importance, we shall shorten distances, and by making each part more accessible to and dependent on the other, we shall bind the Union more closely together. Nature has done so much for us by intersecting the country with so many great rivers, bays, and lakes, approaching from distant points so near to each other, that the inducement to complete the work seems to be peculiarly strong. A more interesting spectacle was, perhaps, never seen than is exhibited within the limits of the United States; a territory so vast and advantageously situated, containing objects so grand—so useful—so happily connected in all their parts.

Our manufactures will likewise require the systematic and fostering care of the Government. Possessing, as we do, all the raw materials, the fruit of our own soil and industry, we ought not to depend, in the degree we have done, on supplies from other countries. While we are thus dependent, the sudden event of war, unsought and unexpected, cannot fail to plunge us into the most serious difficulties. It is important, too, that the capital which nourishes our manufactures should be domestic, as its influence in that case, instead of exhausting, as it may do in foreign hands, would be felt advantageously on agriculture and every other branch of industry. Equally important is it to provide at home a market for our raw materials, as, by extending the competition, it will enhance the price, and protect the cultivator against the casualties incident to foreign markets.

With the Indian tribes it is our duty to cultivate friendly relations, and to act with kindness and liberality in all our transactions. Equally proper is it to persevere in our efforts to extend to them the advantages of civilization.

The great amount of our revenue, and the flourishing state of the Treasury, are a full proof of the competency of the national resources for any emergency, as they are of the willingness of our fellow-citizens to bear the burdens which the public necessities require. The vast amount of vacant lands, the value of which daily augments, forms an additional resource of great extent and duration. These resources, besides accomplishing every other necessary purpose, put it completely in the power of the United States to discharge the national debt at an early period. Peace

is the best time for improvement and preparation of every kind; it is in peace that our commerce flourishes most; that taxes are most easily paid, and that the revenue is most productive.

The Executive is charged officially, in the Departments under it, with the disbursement of the public money, and is responsible for the faithful application of it to the purposes for which it is raised. The Legislature is the watchful guardian over the public purse. It is its duty to see that the disbursement has been honestly made. To meet the requisite responsibility, every facility should be afforded to the Executive, to enable it to bring the public agents, intrusted with the public money, strictly and promptly to account. Nothing should be presumed against them; but if, with the requisite facilities, the public money is suffered to lie, long and uselessly, in their hands, they will not be the only defaulters, nor will the demoralizing effect be confined to them. It will evince a relaxation and want of tone in the Administration, which will be felt by the whole community. I shall do all I can to secure economy and fidelity in this important branch of the Administration, and I doubt not that the Legislature will perform its duty with equal zeal. A thorough examination should be regularly made, and I will promote it.

It is particularly gratifying to me, to enter on the discharge of these duties at a time when the United States are blessed with peace. It is a state most consistent with their prosperity and happiness. It will be my sincere desire to preserve it, so far as depends on the Executive, on just principles, with all nations—claiming nothing unreasonable of any, and rendering to each what is its due.

Equally gratifying is it to witness the increased harmony of opinion which pervades our Union. Discord does not belong to our system. Union is recommended, as well by the free and benign principles of our Government, extending its blessings to every individual, as by the other eminent advantages attending it. The American people have encountered together great dangers, and sustained severe trials with success. They constitute one great family, with a common interest. Experience has enlightened us on some questions of essential importance to the country. The progress has been slow, dictated by a just reflection, and a faithful regard to every interest connected with it. To promote this harmony, in accord with the principles of our Republic Government, and in a manner to give them the most complete effect, and to advance in all other respects the best interests of our Union, will be the object of my constant and zealous exertions.

Never did a Government commence under auspices so favorable, nor ever was success so complete. If we look to the history of other nations, ancient or modern, we find no example of a growth so rapid—so gigantic: of a people so prosperous and happy. In contemplating what we have still to perform, the heart of every citizen must expand with joy, when he reflects how near our Government has approached to perfection; that, in respect to it, we have no essential improvement to make; that the great object is, to preserve it in the essential principles and features which characterize it, and that that is to be done by preserving the virtue and enlightening the minds of the people; and, as a security against foreign dangers, to adopt such arrangements as are indispensable to the support of our independence, our rights, and liberties. If we persevere in the career in which we

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Adjournment.

[SENATE.]

have advanced so far, and in the path already traced, we cannot fail, under the favor of a gracious Providence, to attain the high destiny which seems to await us.

In the Administrations of the illustrious men who have preceded me in this high station, with some of whom I have been connected by the closest ties from early life, examples are presented which will always be found highly instructive and useful to their successors. From these I shall endeavor to derive all the advantages which they may afford. Of my immediate predecessor, under whom so important a portion of this great and successful experiment has been made, I shall be pardoned for expressing my earnest wishes that he may long enjoy, in his retirement, the affections of a grateful country—the best reward of exalted talents, and the most faithful and meritorious services. Relying on the aid to be derived from the other Departments of the Government, I enter on the trust to which I have been called by the suffrage of my fellow-citizens, with my fervent prayers to the Almighty, that He will be graciously pleased to continue to us that protection which He has already so conspicuously displayed in our favor.

After which, the oath of office was administered to the PRESIDENT OF THE UNITED STATES by the Chief Justice.

The Senate having again assembled,

On motion, by Mr. KING,

Ordered, That the Committee of Arrangements wait on the President of the United States, and notify him that the Senate are ready to receive any communications that he may be pleased to make to them.

On motion, the Senate adjourned to 11 o'clock to-morrow morning.

WEDNESDAY, March 5.

Mr. GOLDSBOROUGH reported from the committee that they had waited on the President of the United States, who informed them that he should this day, at an early hour, make a communication to the Senate.

THURSDAY, March 6.

After the consideration of Executive business, the Vice President having absented himself for the purpose, the Senate proceeded to the choice of a President *pro tempore*, as the constitution provides; and

The honorable JOHN GAILLARD was elected.

Ordered, That the Secretary wait on the President of the United States, and acquaint him that the Senate have, in the absence of the Vice President, elected the honorable JOHN GAILLARD President of the Senate *pro tempore*.

After the further consideration of Executive business, Mr. BARBOUR reported from the committee that they had waited on the President of the United States, who informed them he had no further communications to make to the Senate.

Whereupon, the President adjourned the Senate *sine die*.

FOURTEENTH CONGRESS.—SECOND SESSION.

PROCEEDINGS AND DEBATES

THE HOUSE OF REPRESENTATIVES.

MONDAY, December 2, 1816.

This being the day fixed by the constitution for the meeting of Congress, HENRY CLAY, the Speaker, THOMAS DOUGHERTY, the clerk, and the following members of the House of Representatives appeared, and took their seats, to wit:

From New Hampshire—Charles H. Atherton, William Hale, Roger Vose, Daniel Webster, and Jeduthun Wilcox.

From Massachusetts—William Baylies, George Bradbury, Samuel S. Conner, John W. Hulbert, Cyrus King, Jeremiah Nelson, Albion K. Parris, John Reed, Thomas Rice, Nathaniel Ruggles, Asahel Stearns, Solomon Strong, Samuel Taggard, Artemas Ward, and Labon Wheaton.

From Connecticut—Epaphroditus Champion, John Davenport, jun., Lyman Law, Jonathan O. Mosely, Lewis B. Sturges, and Benjamin Tallmadge.

From Vermont—Asa Lyon, Charles Marsh, and John Noyes.

From New York—Asa Adgate, Micah Brooks, Daniel Cady, Henry Crocheron, Thomas P. Grosvenor, John Lovett, Hosea Moffitt, John Savage, John W. Taylor, George Townsend, and Peter H. Wendover.

From New Jersey—Ezra Baker, Ephraim Bateman, Benjamin Bennett, Lewis Condict, Henry Southard, and Thomas Ward.

From Pennsylvania—William Crawford, William Darlington, Isaac Griffin, John Hahn, Joseph Heister, Joseph Hopkinson, Samuel D. Ingham, Jared Irwin, Aaron Lyle, William Milnor, John Whiteside, and Thomas Wilson.

From Delaware—Thomas Clayton.

From Maryland—John C. Herbert, Samuel Smith, Philip Stuart, and Robert Wright.

From Virginia—Philip P. Barbour, Burwell Bassett, James Breckinridge, William A. Burwell, Peterson Goodwyn, Aylet Hawes, John P. Hungerford, Joseph Lewis, jun., William McCoy, Hugh Nelson, Thomas Newton, William H. Roane, Ballard Smith, and Henry St. George Tucker.

From North Carolina—Joseph H. Bryan, James W. Clark, John Culpeper, Weldon N. Edwards, Daniel M. Forney, William Gaston, Israel Pickens, Lewis Williams, and Bartlett Yancey.

From South Carolina—John C. Calhoun, John J.

Chappell, Benjamin Huger, William Lowndes, Jos Taylor, and William Woodward.

From Georgia—John Forsyth, Thomas Telfair, and Richard H. Wilde.

From Kentucky—Joseph Desha, Benjamin Hart, Richard M. Johnson, Samuel McKee, Alney McLean, Stephen Ormsby, Solomon P. Sharpe, and Mox Taul.

From Tennessee—William G. Blount, Newton Cannon, Bennet H. Henderson, Samuel Powell, James Reynolds, and Isaac Thomas.

From Ohio—John Alexander, James Caldwell, and David Glendennin.

From Louisiana—Thomas B. Robertson.

The following new members also appeared to wit: from Massachusetts, BENJAMIN ADAMS in the room of Elijah Brigham, deceased, and JAMES OARE; from New York, ARCHIBALD S. CLARKE, in the room of Peter B. Porter, resigned; from Pennsylvania, WILLIAM FINDLAY, in the room of Peter Little, in the room of William Pinkney, resigned, and GEORGE PIERCE in the room of Alexander O. Hanson, resigned; from North Carolina, SAMUEL DICKENS, in the room of Richard Stanford, deceased, and CHARLES HOOKS, in the room of William E. King, resigned; from Kentucky, THOMAS FLETCHER, in the room of James Clark, resigned; from Ohio, WILLIAM HENRY HARRISON, in the room of John McLean, resigned; and from Indiana, WILLIAM HENDRICKS: who severally produced their credentials, and took their seats; the oath to support the Constitution of the United States being first administered to them by the SPEAKER.

WILLIAM LATTIMORE, the Delegate from the Mississippi Territory, appeared, and took his seat.

Two new Delegates appeared, to wit: from the Territory of Illinois, NATHANIEL POPE; and from the Territory of Missouri, JOHN SCOTT: who severally produced their credentials, were qualified, and took their seats.

And a quorum, consisting of a majority of the whole number of members of the House, being present, the clerk was ordered to acquaint the Senate therewith.

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Compensation Law.

[H. OF R.]

On motion of Mr. WRIGHT, a committee was appointed on the part of this House, to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communication that he may be pleased to make to them; and Mr. WRIGHT and Mr. TALLMADGE were appointed of the said committee.

A message from the Senate informed the House that a quorum of the Senate is assembled, and that they are ready to proceed to business. The Senate concur in the resolution for the appointment of a joint committee, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communications he may be pleased to make to them, and have appointed a committee on their part.

TUESDAY, December 8.

Several other members, to wit: from Massachusetts, BENJAMIN BROWN and TIMOTHY PICKERING; from Rhode Island, JAMES B. MASON; from Connecticut, TIMOTHY PITKIN; from Vermont, CHAUNCEY LANGDON; from New York, OLIVER C. COMSTOCK, JAMES W. WILKIN, JABEZ D. HAMMOND, JAMES BIRDSALL, and ABRAHAM H. SCHENCK; from Pennsylvania, WILLIAM WILSON, WILLIAM MACLAY, and THOMAS SMITH; from Maryland, GEORGE BAER; from Virginia, MAGNUS TATE, JAMES PLEASANTS, JUN., and JOHN KERR; and from North Carolina, WILLIAM C. LOVE, appeared, and took their seats.

Two new members also appeared, to wit: from New York, DANIEL AVERY, in the room of Enos T. Throop, resigned; and from Pennsylvania, WILLIAM P. MACLAY, in the room of Thomas Burnside, resigned, who severally produced their credentials, were qualified, and took their seats.

Repeal of the Compensation Act.

The following resolution was submitted by Mr. HUGH NELSON:

Resolved, That the Committee on the Judiciary be instructed to report a bill to repeal the act, entitled "An act to change the mode of compensation to the Members of the Senate and House of Representatives and the Delegates from Territories," passed March 19, 1816.

The question was then taken, "Will the House now consider this resolution?" and determined in the negative.

WEDNESDAY, December 4.

Two other members, to wit: from New York, SAMUEL R. BETTS; and from Pennsylvania, HUGH GLASGOW; appeared, and took their seats.

A new member also appeared, to wit, from Virginia, THOMAS M. NELSON, in the place of Thomas Gholson, deceased; who produced his credentials, was qualified, and took his seat.

Compensation Law.

Mr. JOHNSON, of Kentucky, said that he had, on all political occasions, consulted his best judgment, and he had always voted with a view to promote the interest, and support the honor and rights of those who had, by their suffrages, given him a place upon the floor of Congress. That he had expressed the sentiments of his constituents, and his conduct had generally been approbated and sanctioned by them; that this coincidence of political views, and confidence in his wishes for their happiness and prosperity, had left him at liberty to pursue his own course of conduct. That, notwithstanding this state of things, he had always believed in the right of instruction; and, at any time during his political course, he should have considered himself honored and bound by the will of his constituents; the nature of the trust implied a duty, on the part of the Representative, that he will consult the happiness, and carry into effect, as far as he knows it, the will of those who elect him.

That, notwithstanding the discontent that had manifested itself in many parts of the United States, and in his own district, he was left to take that course which honor and duty dictated; and that, so far as he could infer the will of his constituents, it should have a controlling influence upon his mind; because the want of written instruction did not weaken the binding efficacy of the great fundamental principle to which he alluded. The want of a written impression may, by possibility, mislead the best among us; of course, that would give a high claim to indulgence. On this subject, he had no doubt he should meet the sanction and the approbation of those honorable and patriotic men, who, notwithstanding all his faults, had continued their confidence in him. Many considerations had entered into his mind in making a motion for a committee to inquire into the expediency of repealing the compensation law. One object was to gratify that portion of his constituents who were opposed to the measure. He said a portion of his constituents, because he well knew that many, very many, of his political friends, were in favor of the measure, both as to mode and amount; some were desirous that an experiment might be made, others disliked the mode, but do not object to the amount and many other minor differences; but he well knew that they would all either unite or acquiesce in a repeal of the statute; that the public mind might be tranquillized; that the great mass of inflammable matter which was afloat might be decomposed and rendered harmless; that hobby riders may be dismounted, and popularity-traps put flat on the surface; for he never intended, if he could make any other shift, to ride the one, or set the other. He claimed the indulgence of the House, to explain to them what he intended by his motion.

The per diem allowance originated from the necessity and convenience of members, who

had daily calls upon them; and the salary of-
ficer was made such from a convenience in the
payment quarter-yearly, or semi-annually. It is
impossible to make any other distinction. I
believe a gross sum will reform the proceed-
ings of the House; and although the people
may change their representatives every Con-
gress, the case will not be altered; they will
not, in the aggregate, find men more enlighten-
ed, more patriotic, more industrious, or less
avaricious; and it is always best to blend self-
interest and patriotism together, if it can be
done; and the most beneficial results, in my
humble opinion, were discovered from its oper-
ation at the last session.

Mr. JOHNSON then submitted the following
resolution:

Resolved, That a committee be appointed to inquire
into the expediency of repealing or modifying the
late act of Congress, changing the mode of compen-
sation to the members of Congress; with leave to
report by bill or otherwise.

The question on consideration was determin-
ed in the affirmative, without a division; and
the resolution itself was agreed to without a
division; and Mr. JOHNSON of Kentucky, Mr.
FINDLAY, Mr. WEBSTER, Mr. BASSETT, Mr. PIT-
KIN, Mr. Cady, and Mr. REYNOLDS, were ap-
pointed the said committee.

THURSDAY, December 5.

Four other members, to wit: from Rhode
Island, JOHN L. BOSS; from Vermont, LUTHER
JEWETT; from Virginia, JAMES JOHNSON; and
from Ohio, WILLIAM CREIGHTON, jun., appeared
and took their seats.

FRIDAY, December 6.

Three other members, to wit: from Massa-
chusetta, ELIJAH H. MILLS; from Pennsylvania,
JOHN ROSS; and from Delaware, THOMAS COOP-
ER, appeared, and took their seats.

The SPEAKER presented a petition of the
Kentucky Abolition Society, praying for an
allotment of public lands for free persons of
color.—Referred to the Committee on Public
Lands.

Commissioner of Claims.

Mr. FORSYTH offered for consideration the
resolutions which follow:

1. *Resolved*, That the President of the United States
be, and he is hereby, requested to lay before this
House the proceedings of the Commissioner appoint-
ed under the act of the last session, entitled "An act
to authorize the payment for property lost, captured,
or destroyed, while in the military service of the
United States, and for other purposes."

2. *Resolved*, That the President of the United
States be, and he is hereby, requested to order the fur-
ther execution of the said act to be suspended, until
the subject shall be disposed of by this House.

3. *Resolved*, That the President be, and he is here-
by, requested to inform this House whether the judg-
ments made by the Commissioner under the said act
have been paid by the Treasury, and if they have

been paid, by what authority, and out of what
fund.

Mr. FORSYTH said a few words as to the ob-
jects of his propositions. As to the first reso-
lution, being almost a matter of course under
any circumstances, he presumed no objection
would be made to it. As to the second, the
President had informed the House, by a special
message, that the execution of a part of the act
had been suspended; and had recommended the
revision of other parts of it. It seemed, there-
fore, that the Executive thought the provisions
of the act obscure or incorrect; and Mr. F.
thought, that, to avoid injury to the United
States from further decisions under the act, it
would be proper to suspend it. With regard to
the last resolution, he had received information,
he believed from a correct source, that the
judgments of the Commissioner had been paid
at the Treasury whenever presented; and, as
far as he had understood, there had been no act
of Congress making an appropriation for the
purpose of liquidating these claims. The act
constituting the Commissioner's office made no
such appropriation; neither did the general ap-
propriation act of the last session. At the clos-
e of the last session, an act had passed appropri-
ating money for defraying the expenses of the
Commissioner's office, but even that act made
no appropriation for paying the judgments of
the Commissioner.

Mr. YANKEE, of North Carolina, expressed
his opinion that this object belonged to the
Committee on Public Expenditures, rather than
to the Committee of Claims, to whom the
President's Message thereon had been referred.
If the fact was as represented, that the public
money had been paid from the Treasury with-
out an appropriation, it would certainly fall
within the province of that committee to in-
quire. As a member, however, of the Com-
mittee of Claims, he should submit to the judg-
ment of the House in this respect; although,
had he conceived the subject properly to belong
to them, he should before now have introduced
it to the notice of the House.

The question having been taken on the first
resolution, to which there was no opposition,
the question on the second was propounded
from the Chair.

Mr. WEBSTER, of New Hampshire, said, he
hoped the honorable gentleman would not press
this resolution. It was very questionable in-
deed, in his mind, whether the House could
pass such a resolution. As to the language of
the President in respect to the act, it amounted
to no more than this: that, there being some
doubt of the proper construction of the act, he
had recommended to the Commissioner to for-
bear further decisions under a particular part
of it, until Congress should have acted on it.
He should not presume, he said, that the Presi-
dent had ordered a public officer to suspend his
official duties; to do which he has no more
power, said Mr. W., than I or any other mem-
ber of the House or of the community. It was

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Commissioner of Claims.

[H. OF R.]

made by an act of Congress the business of the officer referred to, to perform certain specific duties required by that act; and the repeal of the act only could suspend his official functions, or take away the right given by the act to individuals in certain cases, the existence or justice of which was to be decided by a judge specially constituted for the purpose. If the question were as to the faithful execution of the law, the inquiry may be confided to a committee of the House; if whether the law be a wise one, it was for the House to decide, on examination, whether it required modification or repeal. It was a serious question, in point of right, whether the President could be requested by this House to enjoin a public officer not to execute the duties of his office, in the creation and appointment of which the other branch of Congress had a hand as well as this. All the purposes desired would be answered by the adoption of the first resolution, especially if that also was adopted (proposing an inquiry into the Commissioner's decisions) which now lay on the table.

Mr. FORSYTH said he did not pretend to enter into the question of the power to suspend the execution of the law; nor was it necessary as to the law in question, the execution of a part of which had already been suspended by the President. If he had the power to suspend a part of the act, without the request of the House, he had the same right to suspend the whole with or without their request. Mr. F. hoped, therefore, the resolution would be adopted.

Mr. JOHNSON, of Kentucky, said, that as the member who had introduced this motion had candidly expressed to the House his opposition to the law (at the last session) to be confirmed now, there was no inconsistency in his wishing to suspend by resolution, now, an act which he could not at the last session suspend by his vote or arguments. In consequence of its embracing a large class of cases, some of a doubtful nature, the President had advised the Commissioner to suspend the execution of one section of the act; and the question was yet to try before this House, whether proper ground had been taken by the Commissioner, or not, in respect even to that section. But had the President opposed the decisions of the Commissioner under any other part of the act? If we go on the principle of may-be mischiefs, said Mr. J., the gentleman might as well lay before this House a resolution to suspend our own powers, or those of any other department or branch of the Government, lest injury might grow out of them. I ask the gentleman who introduced a resolution so much affecting my constituents, whether he would legislate on this principle? Mr. J. said he had himself superintended three hundred cases of claims, to come before this Commissioner, the aggregate amount of which was not fifteen thousand dollars—not a peppercorn to the claims from other parts of the United States. Why should the decision of such claims be arrested? It was a novel principle of legislation to suspend the execution of a law

because it is possible mischief may arise, or because one was originally opposed to it. If the gentleman would put his finger on a case in which injury was likely to be done to the United States, Mr. J. said, he would take the gentleman's word for it, and bow with submission to his proposition to suspend the law. Until such a case was pointed out, he would not vote to recommend to the President his duty.

The question was then taken on laying the second resolution on the table, and decided in the affirmative without a division.

The third resolution was taken up, and agreed to without a division.

Mr. WILLIAMS, of North Carolina, then called up the resolution which he laid on the table yesterday, for the appointment of a committee to inquire into the decisions of Richard Bland Lee, Esq., Commissioner, &c.

The House having taken up the resolution, and the mover modified its phraseology—

Mr. W. said, that as neither of the resolutions just agreed to embraced the object he had in view, he must advocate the passage of this resolution. He considered the inquiry important to the country, to the constituents of the members on this floor, and to the judicial character of the gentleman whose official conduct was the subject of it. Mr. W. said he had heard many reports unfavorable to the decisions of that officer. If they were true, he had certainly acted in a manner different from what had been expected of him at the time he was appointed. If untrue, the inquiry was necessary to restore his official character to the confidence it ought to have. As it might conciliate the votes of gentlemen for his proposition, he would mention one or two instances of what appeared to him incorrect decisions, of which he had been informed by common report. When the British entered this city, he said, they destroyed a house of Mr. Carroll, and another of Mr. Ringgold. The owners of these houses, from what he had heard, were not entitled to reimbursement of their losses. But to Mr. Carroll had been adjudged \$27,000, as the value of his house; and to Mr. Ringgold \$17,000 for his. The decisions of the House had been uniformly against this class of cases; and, if the decisions of Mr. Lee were wrong, they called for the interference of this House. The inquiry could do no injury to Mr. Lee or to the country. With that gentleman, Mr. W. said, he had no acquaintance; but he was happy to state that his character was such as to forbid the idea of collusion with the claimants. He might have, nevertheless, decided incorrectly; and as the House could not rejudge his decisions once made, it was proper that they should be correct—into which it was his object to inquire. If he had decided correctly, it would be so reported by the committee; if not, the committee might recommend a repeal or modification of the law, or a removal of the officer, &c.

Mr. PICKENS, of North Carolina, suggested that the object of his colleague would fall with-

had daily calls upon them; and the salary of officer was made such from a convenience in the payment quarter-yearly, or semi-annually. It is impossible to make any other distinction. I believe a gross sum will reform the proceedings of the House; and although the people may change their representatives every Congress, the case will not be altered; they will not, in the aggregate, find men more enlightened, more patriotic, more industrious, or less avaricious; and it is always best to blend self-interest and patriotism together, if it can be done; and the most beneficial results, in my humble opinion, were discovered from its operation at the last session.

Mr. JOHNSON then submitted the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of repealing or modifying the late act of Congress, changing the mode of compensation to the members of Congress; with leave to report by bill or otherwise.

The question on consideration was determined in the affirmative, without a division; and the resolution itself was agreed to without a division; and Mr. JOHNSON of Kentucky, Mr. FINDLAY, Mr. WEBSTER, Mr. BASSETT, Mr. PITKIN, Mr. CADY, and Mr. REYNOLDS, were appointed the said committee.

THURSDAY, December 5.

Four other members, to wit: from Rhode Island, JOHN L. BOSS; from Vermont, LUTHER JEWETT; from Virginia, JAMES JOHNSON; and from Ohio, WILLIAM CREIGHTON, jun., appeared and took their seats.

FRIDAY, December 6.

Three other members, to wit: from Massachusetts, ELLIAH H. MILLS; from Pennsylvania, JOHN ROSS; and from Delaware, THOMAS COOPER, appeared, and took their seats.

The SPEAKER presented a petition of the Kentucky Abolition Society, praying for an allotment of public lands for free persons of color.—Referred to the Committee on Public Lands.

Commissioner of Claims.

Mr. FORSYTH offered for consideration the resolutions which follow:

1. *Resolved*, That the President of the United States be, and he is hereby, requested to lay before this House the proceedings of the Commissioner appointed under the act of the last session, entitled "An act to authorize the payment for property lost, captured, or destroyed, while in the military service of the United States, and for other purposes."

2. *Resolved*, That the President of the United States be, and he is hereby, requested to order the further execution of the said act to be suspended, until the subject shall be disposed of by this House.

3. *Resolved*, That the President be, and he is hereby, requested to inform this House whether the judgments made by the Commissioner under the said act have been paid by the Treasury, and if they have

been paid, by what authority, and out of what fund.

Mr. FORSYTH said a few words as to the objects of his propositions. As to the first resolution, being almost a matter of course under any circumstances, he presumed no objection would be made to it. As to the second, the President had informed the House, by a special message, that the execution of a part of the act had been suspended; and had recommended the revision of other parts of it. It seemed, therefore, that the Executive thought the provisions of the act obscure or incorrect; and Mr. F. thought, that, to avoid injury to the United States from further decisions under the act, it would be proper to suspend it. With regard to the last resolution, he had received information, he believed from a correct source, that the judgments of the Commissioner had been paid at the Treasury whenever presented; and, as far as he had understood, there had been no act of Congress making an appropriation for the purpose of liquidating these claims. The act constituting the Commissioner's office made no such appropriation; neither did the general appropriation act of the last session. At the close of the last session, an act had passed appropriating money for defraying the expenses of the Commissioner's office, but even that act made no appropriation for paying the judgments of the Commissioner.

Mr. YANCY, of North Carolina, expressed his opinion that this object belonged to the Committee on Public Expenditures, rather than to the Committee of Claims, to whom the President's Message thereon had been referred. If the fact was as represented, that the public money had been paid from the Treasury without an appropriation, it would certainly fall within the province of that committee to inquire. As a member, however, of the Committee of Claims, he should submit to the judgment of the House in this respect; although, had he conceived the subject properly to belong to them, he should before now have introduced it to the notice of the House.

The question having been taken on the first resolution, to which there was no opposition, the question on the second was propounded from the Chair.

Mr. WEBSTER, of New Hampshire, said, he hoped the honorable gentleman would not press this resolution. It was very questionable indeed, in his mind, whether the House could pass such a resolution. As to the language of the President in respect to the act, it amounted to no more than this: that, there being some doubt of the proper construction of the act, he had recommended to the Commissioner to forbear further decisions under a particular part of it, until Congress should have acted on it. He should not presume, he said, that the President had ordered a public officer to suspend his official duties; to do which he has no more power, said Mr. W., than I or any other member of the House or of the community. It was

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[H. OF R.]

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Mr. FORSTYH said he did not pretend to enter into the question of the power to suspend the execution of the law; nor was it necessary as to the law in question, the execution of a part of which had already been suspended by the President. If he had the power to suspend a part of the act, without the request of the House, he had the same right to suspend the whole with or without their request. Mr. F. hoped, therefore, the resolution would be adopted.

Mr. JOHNSON, of Kentucky, said, that as the member who had introduced this motion had candidly expressed to the House his opposition to the law (at the last session) to be confirmed now, there was no inconsistency in his wishing to suspend by resolution, now, an act which he could not at the last session suspend by his vote or arguments. In consequence of its embracing a large class of cases, some of a doubtful nature, the President had advised the Commissioner to suspend the execution of one section of the act; and the question was yet to try before this House, whether proper ground had been taken by the Commissioner, or not, in respect even to that section. But had the President opposed the decisions of the Commissioner under any other part of the act? If we go on the principle of may-be mischiefs, said Mr. J., the gentleman might as well lay before this House a resolution to suspend our own powers, or those of any other department or branch of the Government, lest injury might grow out of them. I ask the gentleman who introduced a resolution so much affecting my constituents, whether he would legislate on this principle? Mr. J. said he had himself superintended three hundred cases of claims, to come before this Commissioner, the aggregate amount of which was not fifteen thousand dollars—not a peppercorn to the claims from other parts of the United States. Why should the decision of such claims be arrested? It was a novel principle of legislation to suspend the execution of a law

because it is possible mischief may arise, or because one was originally opposed to it. If the gentleman would put his finger on a case in which injury was likely to be done to the United States, Mr. J. said, he would take the gentleman's word for it, and bow with submission to his proposition to suspend the law. Until such a case was pointed out, he would not vote to recommend to the President his duty.

The question was then taken on laying the second resolution on the table, and decided in the affirmative without a division.

The third resolution was taken up, and agreed to without a division.

Mr. WILLIAMS, of North Carolina, then called up the resolution which he laid on the table yesterday, for the appointment of a committee to inquire into the decisions of Richard Bland Lee, Esq., Commissioner, &c.

The House having taken up the resolution, and the mover modified its phraseology—

Mr. W. said, that as neither of the resolutions just agreed to embraced the object he had in view, he must advocate the passage of this resolution. He considered the inquiry important to the country, to the constituents of the members on this floor, and to the judicial character of the gentleman whose official conduct was the subject of it. Mr. W. said he had heard many reports unfavorable to the decisions of that officer. If they were true, he had certainly acted in a manner different from what had been expected of him at the time he was appointed. If untrue, the inquiry was necessary to restore his official character to the confidence it ought to have. As it might conciliate the votes of gentlemen for his proposition, he would mention one or two instances of what appeared to him incorrect decisions, of which he had been informed by common report. When the British entered this city, he said, they destroyed a house of Mr. Carroll, and another of Mr. Ringgold. The owners of these houses, from what he had heard, were not entitled to reimbursement of their losses. But to Mr. Carroll had been adjudged \$27,000, as the value of his house; and to Mr. Ringgold \$17,000 for his. The decisions of the House had been uniformly against this class of cases; and, if the decisions of Mr. Lee were wrong, they called for the interference of this House. The inquiry could do no injury to Mr. Lee or to the country. With that gentleman, Mr. W. said, he had no acquaintance; but he was happy to state that his character was such as to forbid the idea of collusion with the claimants. He might have, nevertheless, decided incorrectly; and as the House could not rejudge his decisions once made, it was proper that they should be correct—into which it was his object to inquire. If he had decided correctly, it would be so reported by the committee; if not, the committee might recommend a repeal or modification of the law, or a removal of the officer, &c.

Mr. PICKENS, of North Carolina, suggested that the object of his colleague would fall with-

in the duties of the Committee on Expenditures; but did not move an amendment.

No objection being made to the resolve, it was agreed to without a division, and a committee ordered to be appointed accordingly.

Messrs. WILLIAMS, CREIGHTON, McKEE, MILLS, JEWETT, SMITH of Virginia, and W. P. MACLAY, were appointed the committee.

Admission of Indiana.

A resolution from the Senate, in form of a joint resolution, declaring the admission of the State of Indiana into the Union, was received, twice read, and referred to a Committee of the Whole on the state of the Union.

Some conversation took place on the propriety of taking it up to-day, which was advocated by Messrs. HARRISON and LOWNDES, who considered the resolve a matter of form merely, and opposed by Messrs. HARDIN and TAYLOR, of New York, who regarded it in a different light, and argued that so solemn an act as pronouncing on the character and republican principles of a State constitution, ought to be more deliberately considered than was proposed. The motion for to-day did not prevail. After ordering the constitution of the new State to be printed, the House adjourned.

MONDAY, December 9.

Five other members, to wit: from Pennsylvania, WILLIAM PIPER and JAMES M. WALLACE; from Maryland, STEVENSON ARCHER and CHAS. GOLDBOROUGH; and from Virginia, DANIEL SHEFFY, appeared, and took their seats.

WEDNESDAY, December 11.

Two other members, to wit: from New York, ERASTUS ROOT; from South Carolina, HENRY MIDDLETON, appeared, and took their seats.

New York Canals.

Mr. BROOKS presented the petition of the commissioners appointed by the State of New York, to superintend and provide for the improvement of the internal navigation of that State, signed by De Witt Clinton, their President, praying for assistance, in land or money, from the General Government, to aid in opening a communication, by means of canals, between the navigable waters of Hudson's River, and Lake Erie, and between the said waters of Hudson's River and Lake Champlain; which was referred to the Committee on Roads and Canals.

THURSDAY, December 12.

Three other members, to wit: from New York, WESTEL WILLOUGHBY, jr.; from Virginia, JOHN RANDOLPH; and from South Carolina, THOMAS MOORE, appeared, and took their seats.

Carriage Tax.

Mr. ROOT, of New York, prefaced a motion he rose to make, by some observations to show

the severity of the operation of the carriage tax on that description of carriages, (light wagons, &c.,) used by farmers and people in moderate circumstances, on farming and market business, and occasionally in carrying families to church, or to see their neighbors, &c., and argued, that, as the faith of the United States was no longer pledged to retain the tax, it should be dispensed with, without prejudice to the public service. He then moved—

"That the Committee of Ways and Means be instructed to inquire into the expediency of repealing so much of the law laying a tax on carriages, &c. as relates to carriages and harness, not exceeding one hundred dollars in value."

Mr. WRIGHT, of Maryland, moved to amend this motion so as to strike out the limit to one hundred dollars in value, and thus to include an inquiry into the expediency of repealing the whole law. He predicated this motion on the inequality of the operation of this whole tax, which was very grievous in some sections of the country, while in the larger proportion it was scarcely felt.

Mr. DESHA, of Kentucky, was opposed to Mr. WRIGHT's motion, thinking that no tax could be more equitable than a tax on luxury and expensive habits. As to the inequality of the tax, it was more than counterbalanced by the inequality, in an inverse proportion, of other taxes.

Mr. WRIGHT's amendment was lost; and Mr. ROOT's motion carried, but not by a large majority.

FRIDAY, December 13.

Another member, to wit, from New York, WILLIAM IRVING, appeared, and took his seat.

MONDAY, December 16.

Internal Improvement.

Mr. CALHOUN, of South Carolina, referring to a proposition of the same sort made at the last session, but then opposed by him as being unseasonably introduced, said that, since that time the bank law had passed, the subscription had been filled under auspicious circumstances, and the bank was about to go into operation. Now he said, was a proper moment for the House to consider whether the course of internal improvement was a proper direction for the United States to give to their share of the proceeds of that institution. He, therefore, moved—

"That a committee be appointed to inquire into the expediency of setting apart the bonus, and the net annual proceeds of the National Bank, as a permanent fund for internal improvement."

Mr. C. said, it was not his object at this period to discuss the importance of national improvement. It was sufficient to say, that it was of such importance as to have been annually recommended to the attention of Congress by the Executive. That it had not heretofore acted on, was not to be attributed

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Mr. C. said, to any impression derogating from the importance of the subject. It arose from the want of funds; from the embarrassed state of our finances, and from the critical state of our foreign relations, which demanded all our attention. We had now abundance of revenue, and were in a state of peace, giving leisure to Congress to examine subjects connected with domestic affairs—of all which, internal improvement was not exceeded in importance by any. He hoped, therefore, the resolution would pass, and the inquiry be made as proposed.

The motion was agreed to, *nem. con.*, and Messrs. CALHOUN, SHEFFEY, CRIGHTON, GROSVENOR, and INGHAM, were appointed the committee.

TUESDAY, December 17.

Another member, to wit, from New York, VICTORY BIRDSEYE, appeared, and took his seat.

A new member also appeared, to wit, from Virginia, JOHN TYLER, in the room of John Clopton, deceased, who produced his credentials, was qualified, and took his seat.

Amendment to the Constitution.

The House resolved itself into a Committee of the Whole on the state of the Union, Mr. SMITH, of Maryland, in the Chair.

Mr. PICKENS, of North Carolina, rose to support his proposition. In no other case can it be more important, he said, that the law should be fixed and uniform, than in the exercise of the right of suffrage. This is the only link between the people and their Government. To preserve this connection, this right should not only be exercised in fact, but in such manner as to insure its confidence and respect. For this purpose, it would seem essential that the mode of election should be fair in relation to different parts; that it should be free from sudden changes; that it should be as direct a communication of the public will as conveniently might be, and in a manner the most pure.

The resolution proposed to ingraft no new principle into the constitution, but to prescribe a mode of exercising one of the clearest and most valued rights which we hold under that instrument—a mode as old as the Government itself. At first, when intrigue and State struggling had not polluted our elections, it was the most general mode practised by most of the States, and is still continued by some of them. The objection, therefore, which is urged by some, that “the features of our Government should not be altered,” will not apply to the proposed amendment, inasmuch as it embraces no new feature, and fixes upon a uniform rule, rendering it unalterable by the varying views of the States and the changes of factions and times. The reason of the objection is one of the strongest arguments in favor of establishing a fixed rule for the exercise of our suffrages, which shall become venerable from long and unaltered usage, and on principles which will be equal

and fair to all parties, to all parts of the country, and at all times.

Steadiness and uniformity in the mode of election of either the Representatives or the electors, is only attainable by a constitutional provision. While this is left to the varying views of Congress, and the still more various and varying councils of the several States, such changes will be made by the prevailing parties, for the time being, as may answer their particular views. Our own experience is ample to prove this. We have seen sometimes a general vote prescribed—districts of various sizes electing from one to three or four Representatives or electors, and Legislatures have taken upon themselves the appointment of electors. Thus have the people been kept in a state of fluctuation and uncertainty, about the most important right they possess, after enjoying it very equivocally and indirectly, if enjoyed at all. There have been exhibited between States and the parties in States, almost every four years, what might be called a political farce, but for the importance of the actors, and the weight of the results. The prevailing party in a State have generally been the advocates of State rights, and for giving a united suffrage, regardless of the sentiments of divisions, being a minority of the whole State. The minority in a State have contended for allowing to every section its proper and distinct weight, tending to divide the weight of suffrage. And this is the general character of the majority and minority, no matter of what political complexion.

Of all species of division, none is so truly to be deprecated as that of a geographical character. And that the mode of general vote tends that way is clear, and that in filling the Electoral Colleges, as well as this House. For, the very appearance of this united opposition in colleges within whole States and regions, to other sections, equally united, and this frequently occurring, will naturally lead to the same kind of local feeling. And as certainly, too, in a federative system, where each State is left free to regulate its weight in the balance, does it tend toward the mode of entire suffrage; and our experience proves it. The evil, then, is a national one, and a growing one. Its only cure is by a constitutional provision.

It is said that, by adopting this amendment in the case of Electors, the federative principle in that particular will be decreased. What is that federative principle? It consists mostly in the two extra Electors being allowed to the States without respect to their relative sizes; this was a concession to the small States. And this is still retained by the amendment, as there is no alteration in the distribution or number of Electors. The right of the States, indeed, to regulate the mode of appointment being of a federative character, may be an object with some. But when the State is so united in sentiment as to present an undivided front, it may still do so, and the object is still retained. When

this is not the case, the loss in any State will depend on the relative losses sustained by other States in the same way, and the fraction of loss in any case is not worth the expense of the many evils resulting from the present unsettled course.

Mr. ROOR, of New York, said it was not so, as the honorable gentleman from North Carolina seemed to suppose, that the great States had yielded to the smaller ones (at the formation of the constitution) two Senators each. It was the small States that yielded a full representation to the large States, in the popular branch, according to their numbers. Before the adoption of the constitution, each State, large or small, had an equal voice in Congress, as an independent State, confederated with others, on equal terms and with equal rights. But, the large States having to pay a share of the taxes in proportion to their numbers, the smaller States had conceded to the larger ones, that they should have a representation in one branch of the Legislature in proportion to their numbers. One branch of the Legislature, therefore, was representative, the other federative. The Executive branch of the Government was a compound of both—the people and the State sovereignties combining their powers to elect a President of the United States. Hence a small State, containing sixty thousand souls, was entitled to four Electors, while one of double the population had perhaps not five votes, because the Electors are chosen on a principle which is a compound of the popular and federative principles, one of which this proposition proposes to invade. Those Electors to be appointed to represent the people, Mr. R. said, he had no objection should be chosen by the people, and in the same districts as are laid out for the election of Representatives; but the other two in each State, who were to represent the State sovereignties, ought to continue to be chosen as the Legislature might direct.

Mr. HAMMOND, of New York, said that the resolution under consideration embraced two objects. The first part of it was intended to render the mode of electing the members of this House uniform throughout the United States; the other part was intended to produce a uniformity in the mode of choosing Electors of the President and Vice President of the United States. He was in favor of both parts of the resolution. He would, he said, however, premise that he had no objection to the modification of the resolution in the manner proposed by his colleague, (Mr. ROOR,) who had just resumed his seat.

With respect to the first part of the resolution, Mr. H. said, the States, immediately after the adoption of the constitution, by their practice under it might be said to have expressed an opinion favorable to the proposed amendment. Most, if not all the States, immediately after the adoption of the constitution, had been divided into districts, for the purpose of elect-

ing members in the House of Representatives of the United States, in the manner contemplated by the proposed amendment. The same system would probably have been continued to the present time, had it not been for the struggle between the two great parties which had for several years past divided this nation.

The practice in many of the States under the constitution is, that the Electors for President are chosen by the members of the State Legislatures. This practice is, I think, inconsistent with the genius of our Government. The American Government is essentially a popular one. All power is declared to be derived from the people. The voice of the people, constitutionally pronounced at the poll of an election, is the only sovereign and independent exercise of authority acknowledged in this nation.

And, sir, the further you remove an officer from a direct dependence for political existence on the voice of the people thus expressed, in that proportion you diminish the power and privileges of the citizen. If this doctrine be correct, it is then totally inconsistent with the general principles of our Government, that the elected should choose Electors. This machinery is unnecessary in ascertaining the will of the majority of the people on the great question, "who shall be their Chief Magistrate." It is inconsistent with that republican simplicity which ought to characterize the government of a free people. It is, sir, a machinery which in the hands of bad men, may be used to thwart that very public will which, by an election, is supposed to be declared. The mode of choosing Electors by the people, by general ticket, as it was called, Mr. H. said, was equally objectionable. Almost all the arguments which had been, or could be urged against choosing members of Congress by general ticket, applied with equal, if not stronger force, against choosing Presidential Electors in the same manner. In those States where Electors were chosen by general ticket, he believed it was universally the case that they were nominated by the members of the State Legislature. Sir, said Mr. H. according to the present laws of party, a nomination amounts to a choice.

A practice, said Mr. H., has been resorted to and will probably be resorted to again; a practice which, on this occasion, I beg leave to mention, without either censure or approbation, of designating the Presidential candidate in a congressional caucus. Putting for a moment out of view Executive patronage, surely no one will deny but that the political friends of the Executive, after a residence for some time in his immediate neighborhood, will, at such meetings, be greatly influenced by the known wishes and views of the Executive. And, sir, when you add to the influence which political partialities and court blandishments will necessarily have on the minds of the best of men, that influence which is produced by the power to dispose of all offices of honor and profit, it is not to be presumed that a majority of the political

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friends of the Executive will ever be found who will designate a candidate in opposition to his wishes. The moment the designation is made, the minority in such caucuses will, from a respect to the great political party to which they are attached, and from at least an implied honorary engagement, be disposed to give their support to the Executive favorite. Thus the personal influence of the members of both Houses of Congress is brought to bear, in conjunction with Executive influence, on the State Legislatures.

Mr. ROSS, of Pennsylvania, said, when the constitution had been originally framed, it had been supposed, he said, that the members of the Electoral Colleges would get together, and consult as to the best person upon whom to bestow their votes; but the practice under the constitution had shown the expectation to be idle, and that the election did not in fact turn upon the principle on which the Convention had intended to fix it. On the contrary, the Presidential candidates were fixed and announced before the election of Electors. Mr. R. thought the mode of election ought to be changed, but doubted whether the mode proposed would be the best. Might not the election, he asked, be better trusted at once to the people? Why the intervention of Electors? Surely the whole body of the people would be less subject to bribery or corruption than any smaller body. It did appear to his mind, as at present impressed, that to the people, and to them only, could the election be safely confided; and that all the present machinery for electing a President, which sometimes is wielded by mere legerdemain, corruption, or unfair influence, be put out of the way.

Mr. CALHOUN, in acceding to this motion, took the opportunity to observe that he considered this a question of great importance. He thought the proposed amendment to the constitution, if adopted, would remove some evils which experience has shown to exist, and which in future time, if uncorrected, may menace the existence of the Republic. He therefore thought this subject entitled to the most mature consideration.

The committee rose, reported progress, and obtained leave to sit again.

WEDNESDAY, December 18.

Mr. CALDWELL, of Ohio, submitted for consideration the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of authorizing the President to appoint Commissioners to locate and mark out the road from the Ohio River, opposite to Wheeling, in the State of Virginia, through the State of Ohio, with leave to report by bill or otherwise.

The resolution having been amended on motion of Mr. TAYLOR, of New York, so as to refer the subject to the standing Committee on Roads and Canals, was agreed to.

Compensation Law.

Mr. JOHNSON, of Kentucky, from the com-

mittee appointed on the subject, submitted a report relative to the compensation of the members of Congress, embracing an elaborate and ample view of the subject, accompanied by a bill to repeal the present compensation law, and in lieu thereof to provide a daily allowance of — dollars, and — dollars for every twenty miles travelling to and from the seat of Government.

The Epervier.

Mr. TAYLOR, of New York, offered for consideration the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing by law for the settlement of the accounts of the officers and crew of the United States brig *Epervier*, supposed to have been lost at sea.

Mr. TAYLOR remarked on this motion, that all must recollect with what anxiety the arrival of this vessel had been expected and hoped for, on her return with despatches from the Mediterranean. From the lapse of time since that period, the last ray of hope glimmering in the bosoms of the friends of the officers and crew of that vessel had become extinct, and the persons on board had been now long given up for lost. Among them there was a young man of the name of Melancthon W. Bostwick, who was Purser on board the vessel. On the breaking out of the late war, said Mr. T., he felt a disposition to signalize himself in the service of his country. He entered the naval service a volunteer, and was placed on board the frigate *Essex*. In the various instances in which that frigate distinguished herself, Bostwick bore a distinguished part. Without the aid of friends or patronage, by his good conduct on every occasion, he soon attracted the attention of the very distinguished commander of that vessel. After the capture of the *Essex*, he was, on his return home, recommended and appointed a Purser in the United States service. There was committed to his charge money for recruiting for the *Epervier*, and he was distinguished by the accuracy and attention with which he discharged the duties of his appointment. His papers, his money, and all his accounts, Mr. T. said, were at the bottom of the ocean. It was due to the feelings of his friends and connections, that their regret at his loss should not be increased by his being placed on the books of the Department as a defaulter, on account of the disaster which destroyed at the same time his life and his accounts. It was not necessary, Mr. T. added, to say anything on the subject of extra allowance to the heirs of those who had thus perished, as that subject would present itself to the Naval Committee. But, at any rate, it was fit that some provision should be made for the adjustment of the accounts of the deceased, which could not be settled at the Navy Department, without the interference of the Legislature.

The resolve was agreed to.

Amendment to the Constitution.

On motion of Mr. PICKENS, of North Carolina, the House again resolved itself into a Committee of the Whole on the state of the Union, to take into consideration his proposition to amend the Constitution of the United States.

Mr. RANDOLPH, of Virginia, addressed the Chair. He commenced his observations by referring to the ample scope of the remarks made yesterday by the worthy gentleman who introduced this proposition, and remarking on the advantage of the House resolving itself into a Committee of the Whole, as affording a greater latitude to debate.

It was not necessary, he said, to remind the House that from the commencement of the Federal Government the people of the United States had been divided into two great hostile parties. Although individuals had changed, the presumption was that the parties remained pretty much the same at the present day—although deserters came and went from the one to the other, as suited their interests or their views of political advancement, the principles of the parties were not much changed. One of the great leading causes of the division of the American people, was the greater or less regard they were disposed to show to the powers of the States. It had been often said before on this floor, but perhaps it might not be amiss again to state it, that the difference between the two great parties consisted, on the one hand, of a devotion to the General, in opposition to the State Governments, and in the distribution of the powers of the Government, of a leaning, a bias, an attachment to the Executive branch of the Government—to that branch more remote from, and apparently independent of, the people than this House. I said Mr. R., was brought up in the school, and have never yet been expelled from it, which upheld the rights of the States in opposition to the rights of this masked monarchy—for such our Government is; of the rights of the popular branch of the Government, in opposition to the other branches of the Government, in all cases (be it remarked) of doubtful construction.

Mr. R. said, then, he was opposed to this resolution for the simple reason that it contemplated an abridgment of the powers of the States—that was enough for him. He was not one of those, he said, who had made new and great discoveries in politics, such as that the powers of the States were too great, and ought to be diminished. If there were no other objection to this proposition, it would be sufficient for him that it went to abridge the powers of the States. It was in vain for honorable gentlemen to tell him that, in the case referred to in this resolution, the States did not exercise their existing powers as they ought. With that, under favor and under correction of the Chair, this House had nothing to do. It is no business of ours, said he, how the States exercise their powers. It is an affair of their own, possibly between the State Legislatures and their constituents, but not

between them and us. I have, said Mr. R., an indisposition to change in Government—*nole leges mutare*; would to God I could once see a Legislature here or in the States which would leave things as they found them, and adjourn. This pruriency of legislation will, in my humble opinion, sooner or later, prove the bane and work the destruction of the Confederacy. When I say, continued Mr. R., that I am against the proposition of the gentleman, I hope that neither he nor any other gentleman will suppose that I am friendly to the manner in which their constitutional power has been exercised by the State of which I am a member and Representative in regard to the election of Electors. I am not. I know that at this moment it is a mockery of election. I feel aggrieved in my own person as one of the freeholders of that Commonwealth, that envied Commonwealth; but for that grievance I will never come to this House for redress; I had much rather see the grievance doubled, than that this House should dare to think itself competent to interfere between the Legislature and the people of Virginia. He knew, he said, that the election of Electors in that State was a mockery—a shadow of a shade. What of that? It was competent to the Legislature to rectify it; whether by adopting the proposition of the gentleman from North Carolina, or by taking the power into their own hands, or in any other way, it was for them, and them alone, to decide.

Mr. R. was against this proposition on another ground. Because it went to abridge not merely the rights of the States, but because it did go to change the terms of the compromise upon which these States had come into the Confederation; to diminish very much the power of the large States, without, in the same ratio, diminishing that of the smaller States. This constitution might be, as the gentleman had told the House, a popular Government; but, said Mr. R., I deny the fact. It is not, it never was, a popular Government. Considered in that light, it is one of the most unjust, oppressive, and iniquitous Governments on the earth. He hoped, he said, he was understood—that no gentleman would understand him to bring these charges against the Government; but it was so, grant gentlemen *their* premises. Looking at the features of the Government, compromise, he said, was stamped in every lineament; we can solve the difficulties of the Government in no other way than by regarding it as a Government of compromise; and in that view it was a good Government, for the term compromise supposes that the interests of every part are attended to, more or less, and that no particular portion of the community has been sacrificed to the rest. If this were a popular Government, why not introduce a resolution to this effect: that for every Representative on this floor an Elector should be chosen by the people? Why have we two additional Electors in each State? Because of the compromise at the commencement of the Government between the large and

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the small States. What was the reason of all that was said in the constitution about three-fifths of all other persons, &c., to avoid staining the statute book (he wished to God our consciences were not stained) with the name of slave? What was that provision inserted for? That this House, too, should be elected on the principle of compromise; and this compromise, Mr. R. said he wished it to be understood, he did not mean to give up in this House or out of it. In the Senate the principle of compromise was conspicuous. As a sort of middle term between the two, each State was entitled to as many Electors as it has Senators and Representatives, to be chosen in such manner as each State shall direct. We must view this constitution as a compromise among the confederated States; which, Mr. R. said, was the only principle on which a sound and practical statesman could find himself justified in acting in regard to it. Whenever that compromise was touched, if the balance was not nicely adjusted, if the centre of gravity was removed, no matter how little, it would be impossible for any member of this House to divine the consequences. Were the great States, he asked, willing to give up their constitutional rights and power in the election of Electors, and that without any equivalent? Mr. R. said he came boldly to meet the question. No man had a right to expect that the great State of New York would give up the influence which she possessed in virtue of her population—which she rightfully possessed—for any consideration like those which had been urged. The State of New York was entitled to twenty-nine Electors; it might happen that the whole weight of the State of New York in the election of a President might be, if this proposition became a part of the constitution, the casting vote of one Elector. Nay, the greatest State of the Union might have an equal number of Electors of the two political parties, and its influence be thus completely neutralized; the equation fairly worked, because, forsooth, it was better that the Electors should be chosen by the people than by the Legislature. That would be perfectly right, because the House had been told this was a popular Government, and the minority ought to have their due weight! They are already allowed it, Mr. R. said, in the Government itself, but not in the relations of that Government with foreign or with the confederated governments.

THURSDAY, December 19.

Trade with the Indians.

Mr. POPE, of Illinois, moved the adoption of the following resolution:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of excluding foreigners from trading with the Indians residing within the limits of the United States.

Mr. FORSYTH, of Georgia, suggested to the gentleman, that his object, as ascertained from the face of his resolution, had been already attained by an act passed at the last session.

Mr. POPE said that the act referred to gave to the Government a dispensing power. His opinion was, that there ought to be no such power, and that foreigners ought to be entirely excluded. Such a course would relieve the Indians from their present dependence upon the British traders, the ill effects of which were at present very evident.

Mr. DESHA suggested a modification of the motion, so as to refer the subject to the Committee on Indian Affairs, instead of the Committee on Foreign Relations, to which Mr. POPE acceded.

Mr. FORSYTH then suggested to Mr. POPE the propriety of defining his object more precisely, because, from the terms of the resolution now proposed, it would appear as if there was no law in existence, excluding foreigners from trading with the Indians. There was such a law, and it would be better, he thought, that the gentleman should specify in his motion the particular part of it he desired to see amended.

Mr. POPE said he had not only in view the object he had mentioned, to repeal the dispensing proviso to the act of last session, but that the committee should also recommend such measures as would insure a due and certain execution of the other provisions of the law in question.

The resolve was agreed to.

Amendment to the Constitution.

The House proceeded to the order of the day, in Committee of the Whole on the state of the Union, to take further into consideration Mr. PROCKEN'S proposition to amend the Constitution of the United States.

Mr. HUGER, of South Carolina, took the floor. He was strongly impressed with the propriety, or rather necessity, of establishing some one uniform mode of election throughout the United States, and believed that by districts laid out in the several States, by the Legislatures thereof, at certain fixed periods, to be the most eligible and most conformable to the true spirit of the constitution, which could be devised. He had been, therefore, highly gratified at the vote given yesterday in the Committee of the Whole. From that vote he felt authorized to infer, that there was a decided constitutional majority of that body who, with himself, approved of the system of district elections. Under this conviction, he should decline taking up the time of the committee by any observations on the merits of the abstract principle which had already received their approbation, and proceed to inquire how far it might be expedient to adopt the second member of the resolution, which proposes to extend the same principle to the election of Chief Magistrate, which the first, already adopted, did—to the election of the members of the popular branch of the Legislature. In doing this, he should commence by endeavoring to meet and obviate some of the principal objections made to the proposed amendments generally, and more especially to

the one respecting the Electors of President and Vice President, immediately under consideration.

MONDAY, December 23.

Two other members, to wit: from North Carolina, WILLIAM H. MURPHY, and from Georgia, WILSON LUMPKIN, appeared, and took their seats.

Mr. TUCKER, of Virginia, from the Committee on the District of Columbia, reported a bill to incorporate the Bank of the Metropolis; which was twice read and committed.

Mr. TAYLOR, of New York, from the Committee of Elections, reported the sufficiency of the credentials of the following new members who have taken their seats: W. P. MACLAY, of Pennsylvania; THOMAS M. NELSON, and JOHN TYLER, of Virginia.

Supreme Court.

Mr. HUGH NELSON, of Virginia, from the Committee on the Judiciary, reported a bill to provide for the publication of the decisions of the Supreme Court of the United States. [To pay a salary to the reporter appointed by the Court, provided the decisions of the Court should be published within six months after the adjournment of the Court, and a certain number of copies thereof delivered to the office of State.] The bill was committed.

New State Proposed.

Mr. LATTIMORE, from the select committee appointed on the 9th instant, on the memorial of the Legislature of the Mississippi Territory, praying for admission into the Union as a State, made a detailed report, which was read; when Mr. L. reported a bill to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; which was read twice and committed to a Committee of the Whole on Thursday next. The report is as follows:

The Mississippi Territory contains, according to a census lately taken under an act of the Legislature, and furnished by the Secretary of the said Territory, 75,512 souls; of whom 45,085 are free white persons, 356 free people of color, and 30,061 slaves. By the articles of agreement between the United States and the State of Georgia, it is stipulated that this Territory shall be admitted into the Union as a State when it shall contain 60,000 free inhabitants, or at an earlier period if Congress shall deem it expedient. Hence, it appears that its admission at this time depends, not upon the claim derived from the above-mentioned agreement with Georgia, but upon a liberal policy on the part of the United States. It would seem to be superfluous in your committee to recommend that considerations of a deficiency of numbers be waived in this case, seeing that the House of Representatives have passed three bills, at different periods, for the admission of this Territory, when its population was much smaller than it is at this time.

Mr. LATTIMORE also reported a bill to establish a separate Territorial government for the

eastern part of the Mississippi Territory; which was read twice, and committed to the Committee of the Whole last appointed.

Internal Improvement.

Mr. CALHOUN, of South Carolina, from the committee to whom the subject was referred, reported the following bill:

A Bill to set apart and pledge, as a permanent fund for internal improvements, the bonus of the National Bank, and the United States share of its dividends.

Be it enacted, &c., That the United States share of the dividends of the National Bank, and the bonus for its charter, be and the same are hereby set apart and permanently pledged as a fund for constructing roads and canals; and that it be subject to such specific appropriations, in that respect, as Congress may hereafter make.

SEC. 2. *And be it further enacted,* That the said fund be put under the care of the Secretary of the Treasury for the time being; and that it shall be his duty, unless otherwise directed, to vest the said dividends, if not specifically appropriated by Congress, in the stock of the United States; which stock shall accrue to, and is hereby constituted a part of said fund for constructing of roads and canals.

SEC. 3. *And be it further enacted,* That it shall also be the duty of the said Secretary, unless otherwise directed, to vest the bonus for the charter of the said bank, as it may fall due, in the stock of the United States; and also to lay before Congress, at their annual session, the condition of the said fund.

The bill was twice read and committed.

TUESDAY, December 24.

Education of Soldiers' Orphans.

Mr. ROBERTSON, of Louisiana, rose to propose an inquiry into the expediency of a measure, which, if adopted, would tend to make the institution for military education at West Point more honorable, and perhaps more useful to the nation. He did not mean to enter at all into the course pursued in regard to that academy, either as it respected the Government or the persons employed: but as the institution exists, he meant to make a proposition, which would render it more creditable to the United States than it is at present, however well managed. If youths were to be educated at the public expense, Mr. R. said he should like to see some rule established by which those should receive this privilege who had some claim to it. He did not wish the institution to be filled by the sons of the influential and the wealthy only.

He should greatly prefer a moderate degree of education, to be equally diffused among all the members of the community, to any excess, in the possession of a few: he would rather that every man in the nation should understand his native language, and a few of the necessary rules of arithmetic, than that literature, of however high degree, should be exclusively possessed by some dozens of persons, scattered over the United States. It appeared to him, that by establishing institutions as now contemplated, we began at the wrong end of society. The

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erection of such institutions rather shows the ostentation of the Government than its benevolence or wisdom—remarks, however, which, he said, belonged to a question which might arise during the session, but was not now before the House.

Under these impressions, Mr. R. said, he ventured to propose the following resolution :

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of educating, in the Military School at West Point, the sons of all officers, non-commissioned officers, and privates, who have fallen in the late war, fighting the battles of their country.

THURSDAY, December 26.

Mr. DESHA submitted the following resolution :

Resolved, As the lands south of Green River, now within the limits of the State of Kentucky, were, by the State of Virginia, set apart for the purpose of satisfying claims for Revolutionary service, and a portion of which lands has since been, by the General Government, ceded by treaty to the Chickasaw tribe of Indiana, by which cession many of the Revolutionary patriots have been deprived of the benefit arising from grants obtained for meritorious services; that the President of the United States be requested to take the necessary steps to have the Indian title to the land lying within the limits of the State of Kentucky extinguished as soon as practicable.

FRIDAY, December 27.

Two other members, to wit : from the State of New York, THOMAS R. GOLD and MOSS KENT, appeared, and took their seats.

MONDAY, December 30.

Another member, to wit, from the State of New Hampshire, BRADBURY CILLEY, appeared, and took his seat.

THURSDAY, January 2, 1817.

Another member, to wit, from the State of Virginia, JOHN G. JACKSON, appeared, and took his seat.

A new member, to wit, from the State of South Carolina, STEPHEN D. MILLER, in the room of William Mayrant, resigned, appeared, was qualified, and took his seat.

FRIDAY, January 3.

Estimate of Appropriations.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of moneys necessary to be appropriated for the service of the year 1817, which were ordered to lie on the table.

The letter is as follows :

TREASURY DEPARTMENT, January 4, 1817.

SIR : I have the honor to transmit, herewith, for the information of the House of Representatives, an estimate of the appropriations proposed for the service of the year 1817, amounting in the whole to \$12,451,799 57, viz :

For the civil list	- - -	\$1,049,940 06
For miscellaneous expenses	- - -	394,241 65
For the expenses of intercourse with foreign nations	- - -	321,233 32
For the Military Establishment, including arrearsages and Indian Department	- - -	7,699,625 79
For the Naval Establishment, including the marine corps	- - -	2,986,658 75
		<u>\$12,451,799 57</u>

The funds out of which the appropriations for the year 1817 may be discharged are the following :

1. The sum of \$600,000, annually reserved by the act of the 4th of August, 1790, out of the duties and customs, towards the expenses of Government.

2. The proceeds of the stamp duties, and the duty on sugar refined within the United States.

3. The surplus which may remain of the customs, the direct tax, and other internal duties, after satisfying the payments for which they are pledged and appropriated.

4. Any other unappropriated money which may come into the Treasury during the year 1817.

I have the honor to be, very respectfully, sir, your most obedient servant,

WM. H. CRAWFORD.

Hon. SPEAKER of the House of Representatives.

TUESDAY, January 7.

Bank of the United States.

Mr. FORSYTH called up the resolution submitted by him yesterday, to instruct the Committee on the National Currency to inquire "whether the President and Directors of the Bank of the United States have adopted any arrangement by which the payment of the specie portion of the second instalment can be evaded or postponed; and, if such arrangement has been made, the expediency of adopting some regulation by which payment of the specie portion of the second instalment may be enforced at the time required by the act of incorporation, or within a limited time thereafter."

Mr. CALHOUN said, the House ought not to adopt this resolution, whether it regarded its own control over the bank, or justice to the institution. He denied that the facts suggested authorized the inquiry. The regulation adopted by the directors was, that loans might be had if stock to their amount was pledged for the faithful payment of the notes when due. This regulation, he contended, was a prudent one. Though by the charter dividends were withheld from those who failed to pay the second instalment, this penalty was no hold on the stockholders, because the dividends would be very small; and he was certain but little of the specie part of the second instalment would be paid in. The regulation of the bank would produce the payment of the greater part of the instalment, and was liberal as well as prudent. The bank, Mr. C. understood, commenced its operations on the first of this month; and it had been stated at the last session, in debate on the charter, that it would be obliged to give these accommoda-

tions, as their notes would be the same as specie. Mr. C. thought the regulation fair and just, because it put all subscriptions on the same footing, as all who deposited stock would be enabled to obtain a loan; but without it, a few stockholders in Philadelphia and New York, able to give security and obtain discounts, would alone have had the benefit of the aid now extended to all.

Mr. ROSS was in favor of the resolution, believing the regulation inexpedient as regards the public interest; because, although the bank might, by these discounts, do a good business without sending abroad a single note, the loans being made to those who would pay them in again, it would not at all promote the public interest or convenience. Mr. R. argued at some length in favor of the resolution, and to show that the regulation was improper and partial, and intended only to benefit the favorites of the bank.

Mr. GROSVENOR said the real question was, whether the bank had power to receive its own notes for the second instalment. The directors had shown no disposition to evade specie payments. Look at the fact, said he. They have sent to Europe to obtain a large supply of specie, and have thus taken means to insure the payment of specie. After showing their willingness to comply with the injunctions of the laws, shall we, said Mr. G., go into the bank to disturb them? The bank was now negotiating largely for specie in England, and a trivial circumstance might create alarm there and defeat the negotiation. For that reason, he thought the inquiry inexpedient. The bank had manifested no symptom of evading its duty, but had shown the reverse; had evinced a desire to lay a sure foundation for specie payments. The only way the bank could have avoided the regulation, was to have closed its doors, not to have commenced business until after the second instalment was paid, otherwise the subscribers would throw their notes in and get out the specie. He thought there were no grounds for the inquiry.

Mr. ROOR said they had been promised at the last session, that the filthy rags with which the country was infested, would be put to flight by this gigantic institution; but it had been foretold that this bank would never have more than \$1,400,000 in specie, and an amendment was made doubling the second specie instalment, that the bank might not go into operation on the first instalment alone. It seemed that the reasonable expectations of Congress had not been fulfilled, and it was asked now to inquire into it; and this inquiry must be resisted, because it might embarrass the negotiations of the bank minister in London. But he thought the inquiry would rather facilitate those negotiations, which opinion he argued to establish, and to show that if it even enhanced the price of specie in the country, that would induce its greater importation, and tend to restore an equilibrium in its value. He argued also to show that, but for this regulation, the subscrib-

ers would not be able to evade paying the second specie instalment, and that the bank had, in its adoption, acted indiscreetly.

After some further remarks from Mr. ROSS, Mr. INGHAM, and Mr. FORSYTH, in support of their respective opinions, the resolution was adopted—ayes 89, nays 68.

THURSDAY, January 9.

Another member, to wit, from New York, JOHN B. YATES, appeared, and took his seat.

FRIDAY, January 10.

Bank of the United States.

Mr. CALHOUN, from the Committee on the National Currency, to whom was referred a resolution, directing them to inquire whether the directors of the United States Bank have adopted any arrangements by which the specie portion of the second instalment can be evaded or postponed, made a report, as follows:—

The Committee on the National Currency, to whom was referred the resolution of the House, directing them to inquire "whether the President and Directors of the Bank of the United States have adopted any arrangement by which the specie portion of the second instalment can be evaded or postponed, and, if such arrangement has been made, the expediency of adopting some regulation by which the payment of the specie portion of the second instalment may be enforced at the time required by the act of incorporation, or within a limited time thereafter"—

Report, that they have availed themselves of the opportunity of obtaining the information required by the House, through the Honorable James Lloyd, one of the directors of the National Bank, now in this city. In answer to their inquiries, the committee received from him the letter which accompanies this report; and, on mature examination of the facts disclosed by it, they are of the opinion that the bank, in adopting the arrangement, were actuated by a sincere desire to effect the great objects for which it was instituted, as well as a regard to its own immediate interest. The committee are unanimously of opinion, that it would be inexpedient to adopt any regulation: and, therefore, report the follow resolution:

Resolved, That the Committee on the National Currency be discharged from further proceeding on the above recited resolution.

Army Appropriation.

The House then, on motion of Mr. LOWNDES, went into Committee of the Whole, on the bill making a partial appropriation (in blank of course) for the subsistence of the army during the year 1817.

The reason stated by the Committee of Ways and Means for reporting this bill at present was, that, it being usual to advance a certain sum to contractors for rations, it was necessary to make a partial appropriation for facilitating the contracts about going into operation.

The blank was filled with \$400,000.

Mr. CLAY rose, not to object to the bill, but to observe that the great expenditure annually

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required by the Military Department, which this year would probably exceed six millions, must have struck every one, and on the necessity there was that the House should be certain that a proper investigation and scrutiny into these expenditures should take place; as he believed there were three committees who might each very properly consider the duty as devolving on them.

Mr. LOWNDES stated the course adopted by the Committee of Ways and Means, in acting on the estimates for the Military Department; the limited power of that committee in controlling those estimates, &c.

Mr. JOHNSON, of Kentucky, made some remarks to show that the appropriations heretofore made were necessary for the military service; and stated the different branches of the War Establishment, the Indian department, the Ordnance department, fortifications, arsenals, &c., the expenses of which were defrayed out of the annual military appropriations, though the great loss in the destruction of military stores, and at the manufactories of arms, &c., had swelled the expenditures beyond what ought hereafter to exist; and expressing his anxiety for economy in every branch of the Government, and his wish to reduce, as soon as practicable, the public burdens, &c.

Mr. CLAY still thought the Government paid more money and got less military services than any other country in the world, and his object was to know if any proper examination had been made to ascertain whether the extraordinary expenditure of the Military Department might not be retrenched, &c.

Mr. RANDOLPH expressed his pleasure at hearing in this House the long-exploded word economy, and at witnessing the most distant ray of promise of a return to old Democratic principles; and then went into a pretty general view of what he termed the extraordinary expenditures of our Military Establishments, which, in the army, amounted to about \$900 a man, and in the navy to nearly \$1,000 per man. He referred to his motion at the last session to reduce the army, and its failure, and the resolution he had taken to make, during the remainder of his public life, no further attempt to reform public abuses, &c. He commented on the enormous amount of the civil expenditures of the Government, which arose not from enormous salaries, (for, he said, many of their officers were absolutely starving,) but from the great number of officers, greater than in any other country, under the General and State Governments. Having, as this House had, no patronage whatever, but only the odium of every obnoxious public measure, they ought to still feel the necessity of scrutinizing into the public expenditures; and as it was impossible, in the nature of legislation, divided into opposite parties, for a member of the minority to make any effectual attempts to correct abuses, he called on the members of the majority to perform that duty, and expressed his pleasure at hearing

those gentlemen (Messrs. CLAY and JOHNSON) using the almost unparliamentary word economy, and talking about retrenchment, &c. To the bill under consideration, however, he had no sort of objection.

Mr. CLAY, in reply, said, that if he had been alluded to, his opinions had undergone no change, since he had voted on Mr. RANDOLPH's motion at the last session; that he did not yet think the Military Establishment ought to be destroyed, but that now, as always, he desired to know whether the expenditures were requisite, whether appropriations were necessary and properly applied, and in what way the public money could be economized, &c.

Mr. LOWNDES also replied to Mr. RANDOLPH, as to the extraordinary expense alleged to be incurred by the Government for each man in the military service. The military force might be so small, the number so few, that in dividing amongst them the whole expense of all the branches of the establishment, it might swell the cost of each man to what had been stated, but it would be a most extraordinary mode of estimating the expense of the army, and he offered facts and arguments to show that the expense of each man had not exceeded \$400; that the amount of the army greatly exceeded the number of 7,000, as surmised in the debate, and the less reason there consequently was to suspect a wasteful expenditure or excessive appropriations heretofore.

TUESDAY, January 14.

Patent Office.

Mr. SMITH, of Maryland, presented a memorial of William Thornton, keeper of the Patent Office, stating that no direct provision exists in the laws upon the subject of patents, inventions, and discoveries, embracing the case of statutory, and soliciting that an additional act may be passed upon the subject.—Referred to the Committee of Commerce and Manufactures.

Neutrality.

Mr. FORSYTH, from the Committee on Foreign Relations, reported the following bill:

A Bill to prevent citizens of the United States from selling vessels of war to the citizens or subjects of any foreign power, and more effectually to prevent the arming and equipping vessels of war in the ports of the United States, intended to be used against nations in amity with the United States.

SEC. 1. *Be it enacted &c.*, That if any citizen of the United States shall, within the limits of the same, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly aid or be concerned in the furnishing, fitting out, or arming any private ship or vessel of war, to sell the said vessel or contract for the sale of the said vessel, to be delivered in the United States or elsewhere, to the purchaser, with intent or previous knowledge that the said vessel shall or will be employed to cruise or commit hostilities upon the subjects, citizens, or property of any Prince or State with whom the United States are at peace, such person so offending

shall on conviction thereof be adjudged guilty of a high misdemeanor, and shall be punished by a fine not exceeding ten thousand dollars, and imprisonment not exceeding ten years; and the trial of such offence shall either be in the district of the United States wherein the vessel was fitted out and armed, or in that wherein the contract of sale was made.

SEC. 2. *And be it further enacted*, That the owners of all armed ships, sailing out of the ports of the United States, and owned wholly or in part by citizens thereof, shall enter into bond to the collector, with sufficient security, prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed, either by the owners or by any person to whom they may sell, or pretend to sell, the same, in cruising or committing hostilities upon the subjects, citizens, or property of any Prince or State with whom the United States are at peace.

SEC. 3. *And be it further enacted*, That the collectors of the customs be, and they are hereby, respectively authorized to detain any vessel bound from the United States, whenever the cargo on board shall principally consist of arms and munitions of war, and when, from the number of men shipped on board, or from any other circumstance, it is their opinion that there is an intention to violate the neutral obligations of the United States to foreign Governments, until the decision of the President be had thereupon, or until the owner enters into bond and security, such as is required of the owners of armed vessels, by the second section of this act.

SEC. 4. *And be it further enacted*, That no foreign ship or vessel shall be armed and equipped, nor shall the force of any foreign armed ship or vessel be increased or augmented in the ports of the United States, under any pretext whatsoever.

The bill was committed to a Committee of the Whole.

Colonization Society.

Mr. RANDOLPH presented a petition of the President and Board of Managers of the American Society for colonizing the free people of color of the United States, praying that Congress will aid with the power, the patronage, and the resources of the country, the great and beneficial object of their institution; which was read, and ordered to lie on the table.

Compensation Law.

The House proceeded to the order of the day on the bill to repeal the Compensation Law, so called, and substitute therefor a per diem allowance; and the bill having been read in Committee of the Whole—

Mr. JOHNSON, of Kentucky, said that, in moving, as he now did, to fill the blank (for the amount of future daily compensation) with eight dollars, he obeyed the instructions of the committee who reported this bill, of which he was a member. There had been in the committee a diversity of opinion on this subject, one or two gentlemen preferring nine or ten, and a bare majority consenting to eight. Although he did not differ from the committee in the reasonings of their report, he could not feel it his duty to

come to the same result as to the future compensation, as a majority of the committee had done. He should, he said, vote against the repeal of the present compensation taking a retrospective operation; he wished the repeal to take place on the fourth day of March next, and leave it to the next Congress, four-fifths of whom were elected to regulate this matter, the right of fixing it. He was desirous, he said, to give them a responsibility which he presumed they would be proud to assume, and should vote against adding at this time a single cent to the old compensation of six dollars per day.

Mr. FINDLAY, of Pennsylvania, next rose to speak on the subject. His rising occasioned a deviation from the usual order of the House, by the members crowding round him, which may be attributed to the general respect for his years, experience, and intelligence.

After making some general observations on the nature of this subject, Mr. F. gave a concise history of what had been formerly done, respecting the compensation of members of Congress. He stated that under the confederation each State paid its own members, and instructed and recalled them at pleasure; that, when Congress money gave way to specie, some States paid eight dollars a day, some more, and some less. Pennsylvania paid six dollars, but had great difficulty to procure members willing to serve. Some small States gave but four, and were rarely ever represented. It must be well known to those who remember that period, and paid attention to it, that nine States out of the thirteen, were a quorum necessary to make requisitions on the States and other important business, and that this number could with difficulty be got together one month in a year.

When the National Government was organized, the committee of the Representatives to whom the compensation of the members was referred, took an average of what the States themselves had paid their members, and it was either six dollars, and one-third or two-thirds, which is now forgot. They reported, however, six dollars a day for the Representatives, but limited it to a time after the census would be taken, and a more equal representation would take place; when that time came, about twenty years ago, the subject was again referred to a committee. A salary was proposed and advocated, but believing it was contrary to public opinion, or at least the common practice in paying the State Legislatures, this was dropped, and a compensation of eight dollars a day reported; after a discussion this was rejected by one, or at most two votes.

There had about this time been a considerable rise of expense, and several State Legislatures had increased their compensation, yet Congress, believing that this arose from temporary causes, increased the compensation of clerks and some subordinate officers, and of the Heads of Departments, for a limited time, which, however, has been renewed. When the eight dollars was rejected, some members openly de-

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clared their intention to decline, and actually did so.

Mr. F. said, that to members whose farms supported their families, and who did not bring their families with them, the six dollars a day would still pay their expenses; but to such as have to support their families by their industry in any occupation, it would not do. Several members, to his own knowledge, had tried it a few sessions, sending the half of their wages monthly to support their families, but had to decline. It was well known that members preferred almost any offices in the gift of the United States, as well as of their own State, to a seat in Congress; and it is evident that, for want of the attendance of members, the most important measures were frequently transacted in a thin House, which certainly ought not to be the case.

He observed that, agreeably to the principles of our Government, all classes, and all interests, ought to be represented in Congress. He knew that the wages might be made so low, that but one class, viz: the wealthy, who could afford the expense, and did not depend on their own personal industry, would serve. But this would change the nature of the Government. But even if the compensation was raised, or the salary established, there would always be many who would not serve, many to whom no wages we ought to give would compensate their loss, and there are many whom no compensation we could give would induce to leave their endearing families, comforts, and cares, to serve at such a distance from home as many of the members have to do. Some who have done so, always reflect on it with deep regret.

Mr. F. said, as this was the last session he ever would serve, his voting for an increase of the daily wages, as he designed to do, could contribute very little to his advantage, when it was known that, though he was not here last session, to vote either for or against the compensation law, being prevented by sickness, he was yet entitled to receive the compensation, but would not claim nor would he receive it; therefore expected that voting for an increase of wages would not be imputed to him as the result of self-interest. He would not vote for the repeal of the salary, because he thought it contrary to the constitution or any principle of the Government, but because he thought it inexpedient. On the whole, Mr. F. said that he wished to leave those who succeeded him on a footing equal to what he was himself when he came into Congress. He wished a reasonable compensation to be fixed, to continue until after the next census; not but what he knew every Congress had equal power as the first Congress had, to fix their own compensation. All the State Legislatures have done so, some of them oftener than once. He would vote to fill the blank with eight dollars, not because he thought it equal to six when he went first into Congress, but because he thought, when the currency was regulated to a specie standard, which he hoped

would be the case before the next Congress, it would be equal. This was no new thought of his. He, agreeably to his own opinion of the public good, had determined to vote for a moderate increase of wages before he left Congress; for obvious reasons such a question had been delayed until long after the State Legislatures had set the example.

Mr. GROSVENOR, of New York, said he was in favor of retaining the salary feature, because he thought it most consistent with the public interest. But if that law must be repealed, one great objection to that course would be removed by the adoption of the amendment suggested by the gentleman from Virginia. If touched at all, said he, it should be in such a manner as not to brand our names and that of the Congress to which we belong, to the latest ages, with dishonor and disgrace. I would not put into my pocket that compensation which I believe to be right, and refuse it to our successors, or put into my pocket what I believe unjust, and keep it there. For the purpose, therefore, of removing this great and prominent difficulty in his mind, he should move to fill the blank with "ten" dollars—not that he should, if his motion succeeded, vote for this bill, because in the abstract he preferred a salary. He would make the mileage different, however, and at a less rate than that. Mr. G. disclaimed any intention, at this time, to enter into the general question, reserving himself for a future opportunity.

Mr. CLAY (Speaker) next addressed the Chair. For one, he confessed he had been greatly gratified at the self-respect which the House had manifested in the course this subject had received. He did think, he said, that at the commencement of the session, he would not say an improper, but an unnecessary degree of zeal had been displayed in taking up this subject; and he had been highly gratified in finding that the House had determined that the subject should take that dispassionate course which belonged to its character.

He did not agree, he said, with gentlemen, several of whom had expressed an opinion on this occasion and on a former, that the dissatisfaction expressed through the country in regard to this law, was to be attributed wholly to faction, to demagogues, or designing men. Some of it perhaps might; but when we find, in all parts of the country, even in those having no intercourse with each other, a general dissatisfaction, we are bound to conceive that the people are really opposed to the measure.

It became this House, on the present occasion, Mr. C. said, to deliberate, to act calmly and considerately. He would not, he said, examine the causes of dissatisfaction from Maine to Georgia, from the shores of the Atlantic to the remotest west; whether it had arisen from misconstruction of the act, from want of information as to the considerations which made it expedient, &c. In relation to his own district, he had great pleasure in stating what had been the

fact. When I went home, said he, I do not recollect having met with one solitary individual of any description of party who was not opposed to the act, who did not on some ground or other think it an improper and unjust law. But after it had been discussed and examined with all its lights, I did not find (as far as I recollect) a solitary individual who did not admit that the augmentation of the compensation of the members was a just and proper measure. The result of all that I heard was a conviction on my mind that the people remain dissatisfied with the form, but that ninety-nine out of a hundred are satisfied that there ought to be an augmentation of the compensation of the members, proportionate to the depreciation of money, or, what is the same thing, to the increase in the price of commodities since 1789. For his part, then, Mr. C. said, he had a disposition to do justice to the members as well as to the people. If the compensation were reduced so low as that none but opulent men could aspire to seats in this House, the evil predicted by the fathers of the constitution would be realized; and all the middling class of society, that in which the weight of talents is to be found in this country, would be banished from the legislative councils.

Mr. C. said, that under such impressions, he should vote for a higher compensation than six dollars per day. He felt indifferent whether it should be now fixed at eight, nine, or ten dollars; confident whichever sum should be agreed to, that not only the people of the district which he represented would approve, but that the whole American people would sanction the measure by their approbation. He differed from an honorable gentleman from New York with regard to an increase of the mileage. He thought that also ought to be increased, for, he asked, who makes the greatest sacrifice in coming here? The members from the greatest distance certainly. If, then, the mileage be increased in the same ratio with the daily pay, the greatest benefit will be bestowed where there is the greatest burden.

Mr. HENDRICKS said he was decidedly in favor of a repeal of the law of last session, but he did not think the bill before the committee the best possible substitute. This bill contemplated the repeal of the law of last session, from the time of its passage. That this bill, then, while it speaks the language of repeal, allows the members on this floor to put their hands into the Treasury and draw the proportional part of fifteen hundred dollars, which will be coming to them from the commencement of the present Congressional year, to the time of the passage of the bill. That there was no repealing clause in the law of last session, and, of course, nothing else was necessary, than a bare repeal of the law. The old law, on the subject of compensation, would stand revived, of course. This simple repeal was what he wished, and with such a retrospective view or operation, as would at least express an opinion of this House, that none

of its members shall, or ought to, receive any compensation during this session, agreeably to the principles of the law of last session. That this retrospective operation was objected to, but it was admissible, on the principle that Congress had a right to fix their own compensation, and on the ground that the precedent fixed at last session was in point. The law of last session had a retrospective operation. Mr. H. said that, on the ground of the public sentiment, he had no doubt. That the public sentiment of his district had to him been fully and officially expressed through the medium of the Legislature of Indiana; that the Senators from that State had been officially instructed, and himself requested, to use their votes and influence to have that law repealed, and, if no such expression of public sentiment had been expressed, he should have no doubt of its existence. There was scarcely a man, he believed, in the remote settlements of Indiana, who had not heard and reprobated the law; and it was no wonder, said Mr. H., that his constituents disapproved of that law. Their ideas of expenditure were very unlike those of all the Eastern cities. Six dollars per day sounded large enough to them.

WEDNESDAY, January 15.

The Compensation Law.

The House resumed the consideration of the bill to repeal the act changing the mode of compensation of the Senators, Delegates, and Representatives in Congress.

Mr. BARBOUR said that, before the decision of this question, he asked the indulgence of the committee, while he very concisely stated his views of the subject, and the reasons which would influence him to vote in favor of the bill upon the table, having for its object the repeal of the compensation law of the last session.

Mr. B. said that he should vote for the repeal of that law, partly for the reasons which had induced him to vote against it at the last session, and partly for a most important reason which had occurred since that time—he meant the decided expression of the public opinion on the subject. When this question was before the House at its last session, he said, he was opposed to the passage of the law, first, because he considered the compensation to members not as a remuneration for labor or personal services—not as an indemnification for individual sacrifices—but as intended to defray the expenses of members, incurred by reason of their situation as members. He thought it was obvious the compensation could have no relation to the individual sacrifices of the members, because they vary with the varying situations of different members.

As far as he had been able to procure information, he felt no hesitation in expressing it as his opinion, that no measure, since the institution of this Government, had excited so much dissatisfaction, as the one now proposed to be

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repealed; some few gentlemen had stated, and he made no doubt correctly, that their constituents had not complained; but with these few exceptions, he believed it might be said, that, from one extremity of the Union to the other, there had been an almost concurring sentiment of disapprobation. Gentlemen mistake if they suppose that it was a storm raised only by a few factious printers; they equally mistake, if they suppose that it was merely a momentary ebullition of passion among the people. There was indeed, sir, at first a violent excitement; gentlemen might call it, if they pleased, a storm—but that storm, even when its fury abated, subsided into a fixed and settled discontent at the measure; from a free communication with his constituents, he was enabled to say, that it met the disapprobation, and excited the discontent of the grave, the reflecting, and the deliberate; and such he believed to be the case with an immense majority of the American people. With this impression, had he voted for the law, he should now vote to repeal it; having voted against it, it furnished an additional reason for its repeal, besides those which had influenced him originally against it.

Mr. FLETCHER, of Kentucky, said he was in favor of repealing the act of the last session of Congress, changing the mode of compensation to the members of Congress. The people consider the mode as well as the amount objectionable, and that was a sufficient inducement for him to vote for its repeal. We have heard, said Mr. F., that the voice of the people was not to be regarded on this occasion; but I hold myself responsible to my constituents, and, knowing their wishes, I feel bound, by every moral as well as every political tie, to carry that will into effect. The right of the people to instruct their Representatives, is one that I hold as sacred as any other principle in this Government; the people will be obeyed. On ordinary occasions they do not interfere in the legislation of the country—leaving their Representatives to act from their best judgment, because they are a liberal and a patriotic people; but, when they do interfere and speak, their voice should be obeyed;—others may act so independent as to disobey the voice of their constituents—he should take a pleasure in a different course.

Mr. HARDIN said he had been on the strong side of the question at the last session, having voted in favor of the act now proposed to be repealed; and he believed he should be on the strong side also at the present session, being one of those who intended to vote for the repeal of that law. To show his motives for so doing, he said he should offer a few observations, lest he should be branded with the imputation of that kind of political prudence which appeared to characterize the present day, and which always selected the strongest side. • He was sorry to hear it said to-day that this subject was rather a mirthful one than otherwise. For his part, Mr. H. said, from the time he had voted for the

law at the last session, he had never felt very merry on the subject. He had felt it a misfortune that he, in obeying the dictates of his own judgment, had been one of those who had incurred the displeasure of the American people, and felt the necessity of humbling himself to obey their will. There was also another reason why he thought the passage of that law by Congress unfortunate; because it had afforded to demagogues throughout the nation an opportunity to ride into every office in the Government; because he was afraid the great hostility shown to that act would introduce a four-pence half-penny mode of doing business. On that score, Mr. H. said, he did not feel very merry, though he certainly was given to pleasantries sometimes—perhaps not so much so, however, as the gentleman before him, (Mr. Ross,) who could even be merry on misfortune.

Mr. CONNER said that he should trouble the committee with but a very few remarks on this subject. He should have gone more at length, had not the reasons for raising the compensation been so fully and ably detailed in the report of the honorable committee to whom that subject had been referred, and which had gone forth to the nation, as to make it unnecessary for him to add one word in justification of the vote last Winter. He fully concurred in the reasoning and conclusions of that report; his opinions remained unchanged. But his constituents, and he believed those of no district were more high-minded or liberal, were dissatisfied with the measure; some, as it regarded the mode, others the amount: a considerable portion of which dissatisfaction, he believed, however, had proceeded from unnatural excitement and distorted representations. But the fact existed; and he should vote for the repeal of the law in compliance with their wishes.

Mr. W. P. MACLAX, of Pennsylvania, said, as this question had already been very fully discussed, he should trouble the committee with but a very few remarks on it. It must be obvious, said he, to every member of this committee, that, in fixing our compensation, we are exercising a very high and delicate trust. It is not analogous to any other duty which we are called upon to perform. When we fix the compensation of the Heads of Departments, or of the Judges, or of the officers of the Army, or Navy, it is one set of men fixing the compensation of another set; but, when the Legislature fixes its own compensation, it does an act which appears to be an exception to the general course of proceeding in the Government. The constitution, from the necessity of the case, and not from its reason or propriety, has placed this power in our hands, and we must exercise it if we are to receive any compensation at all. But in the exercise of this power, I agree entirely with the sentiments first expressed yesterday by the SPEAKER, and since concurred in by several other members, that in this case, above all others, we ought to consult the opinions and wishes of our constit-

nents. If these observations are well founded, the course which I have to pursue, is a very plain one. My constituents, I believe, are generally in favor of the old compensation. In this respect, my situation is somewhat different from that of the other members of this House. A respectable portion of the people I represent have petitioned Congress against the law of the last session. That petition is the only one that has been presented to this House on the subject. It is true, it has been said in debate, that the persons who sent that petition did not understand the law; but as it has not been shown why or wherefore they did not understand it, I presume I am still at liberty to believe that they did. Believing, then, that my constituents are in favor of Congress returning to the old compensation of six dollars per day, I shall vote the filling the blank with that sum.

The question was put on filling the blank (for the future daily compensation of the members) with nine dollars, and negatived.

The question was taken on filling the blank with eight dollars, and negatived, as follows: For the motion 60, against 98.

The question was then taken on filling the blank with six dollars, (the old compensation,) and decided in the affirmative by the following vote: For the motion 84, against it 74.

So it was determined by the committee (submitted to the revision of the House) that the compensation be reduced to its old rate of six dollars per day.

Some other amendments were proposed, adopted, or rejected.

A motion was then made to amend the bill by striking out the whole bill, and inserting in lieu thereof two sections, the one absolutely and simply repealing the compensation law; the other requiring that there shall be deducted from the amount received by each member during the past and present sessions of Congress, all the amount over and above what he would have received under the old compensation of six dollars per day.

Before this question was decided, the committee rose, reported progress, and obtained leave so sit again.

THURSDAY, January 16.

Compensation Law.

The House then again resolved itself into a Committee of the Whole, on the bill to repeal the act of the last session, fixing the compensation of the members of Congress; the substitute offered yesterday by Mr. RANDOLPH, first to repeal the act of the last session, and, secondly, to deduct from the pay of the members an amount equivalent to what they have received more than they would have been entitled to under the former pay of six dollars a day, being under consideration—

Mr. PARRIS, of Massachusetts, rose and observed, that he understood the Committee of the whole House had agreed to fill the blank in the bill under consideration, as reported by the select committee, with the sum of six dollars,

and that by this bill, should it pass and become a law, members of Congress, instead of the sum allowed by the act of the last session, will be entitled to receive no greater rate of compensation than has been allowed to every Congress since the adoption of the constitution. That having been disposed of, the subject under immediate consideration is the amendment offered by the honorable member from Virginia, (Mr. RANDOLPH.) By that amendment, it is proposed to deduct from the compensation to which members will be entitled the present session, a sum equal to the amount of the excess which they received the last, over the former daily pay; or, in other words, so to modify the law as that the pay of this Congress, either at the last or the present session, shall not exceed that of every former Congress. Sir, said Mr. P., it has been often asserted, in this debate, that public opinion does not require a repeal of the law of the last session; that the clamor which has been made relative to that law, has been merely the voice of faction, of newspaper editors, of noisy demagogues, of electioneering intrigue, and of those who were secretly rejoicing at the opportunity it afforded them of mounting the hobby-horse, and riding to our seats. It has been said, sir, that on this subject the most clamorous have uniformly been those who were most anxious for public preferment, and at the same time the least qualified; that, to attract public attention, to gain the feelings of the people, it had been only necessary for the demagogue to mount his hobby, denounce compensation, and cry out economy, without even a knowledge of the meaning of the former, or the worth of the latter. Sir, I cannot believe with honorable members who have made these assertions, that all this excitement has been artificial. For the honor of my country, for the character of the nation, I hope and still believe that there is sufficient caution and of virtue in this people, to render them secure from all such attempts at excitement. So far as my knowledge has extended, in the State which I have the honor in part to represent in this House, there have been no such attempts. The people have been left to judge for themselves; they have inquired, they have examined, they have listened to arguments; they have formed their opinion with great deliberation, and have pronounced a verdict; nay, sir, have pronounced a solemn judgment, from which there can be no appeal. By that judgment, thus deliberately expressed, thus solemnly pronounced, I believe myself to be bound. Will honorable members doubt that our constituents call for a repeal of the law of the last session; that they have rendered this verdict; that they have pronounced this judgment? If so, permit me to refer them to the evidence—evidence which has been as conclusive to my mind as “proof from holy writ”—evidence which cannot be misunderstood, and which has, unfortunately, been brought home to the feelings of many a member of this House.

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About four o'clock, the question on concurring with the Committee of the whole House in their amendment, to wit, filling the blank with six dollars, as the daily pay, was taken, and decided in the negative—yeas 81, nays 91.

SATURDAY, January 18.

The Compensation Bill.

The House then proceeded to the consideration of the bill to repeal the act of last session, commonly called the compensation law. The bill having, by the vote yesterday, been left blank as to the per diem allowance for attendance and for each day's travelling—

Mr. GROSVENOR moved to fill the first blank with the sum of ten dollars, but spoke briefly against the necessity of allowing the same sum for each twenty miles' travelling, for which he thought the former sum of six dollars sufficient.

Mr. WILLIAMS, of North Carolina, said, that the refusal of the House last evening, to concur with the report made by the Committee of the Whole, would induce him to break through the silence he had intended to observe on this question. He had always intended to vote in favor of repealing the law of the last session, which changed the mode and increased the amount of compensation to members of Congress; that he was in favor of restoring the original law, which granted a per diem allowance of six dollars; and that so long as the House appeared likely to carry his object into effect, he had not considered it his duty to address the Chair. But having seen, with no little surprise, that the House had reversed the decision of the Committee of the Whole, which fixed the future compensation of members at six dollars a day, he should hope to be indulged, while he offered such reasons as had occurred to him in favor of repealing the law of the last session, and against the motion made by the gentleman from New York (Mr. GROSVENOR) to fill the blank with ten dollars. It was not his intention now to propose a different sum; he would give the House an opportunity to express themselves distinctly on the motion of the gentleman from New York; and afterwards, if not moved by some other gentleman, he would himself propose to fill the blank with six dollars.

Mr. TYLER, of Virginia, said that he felt it due to himself to offer a few remarks to the House on this subject. He did not, he said, float into that House on the tide of popular declamation. He had been elected to supply a vacancy occasioned by the lamented death of his honored predecessor. Popularity, he said, was to be desired by all. The good-esteem of his fellow-men is the best reward the patriot can receive. You have no robes of office here to bestow—no star or garter to confer; but the proudest title of which we can boast, and the only one worthy of being boasted of, is that which is to be read in the applause of our contemporaries, and the gratitude of posterity. This applause was not to be obtained, he said, by a low, grovelling, mean pursuit of popular

favor. No, sir, the man who rests his hopes of popularity upon such a course, will, most assuredly, be disappointed in his object. Popularity might, he had always thought, be aptly compared to a coquette; the more you woo her, the more apt is she to elude your embrace.

Mr. T. said that he should vote for a repeal of the compensation law. He knew it to be the wish of his constituents that it should be repealed. He said that he had had a fair opportunity of knowing their wishes; that he was fresh from their hands. He was not disposed to hold up his constituents in the ridiculous light in which some gentlemen had represented theirs. He said he had too much respect for them to do so. His constituents had looked to the large national debt—they thought it required reduction—that economy was necessary. They saw the taxgatherers dispersed through the country. They could not be made to understand why, at a time that retrenchment was necessary, Congress should have increased their wages. It was, said Mr. T., vain to tell them, as some gentlemen who had been very nice at calculation had made it appear, that each of them had only to bear an additional burden of 1½ cents. The answer was at hand: They said, and had a right to say to you, take the pressure from off our shoulders, we feel the weight of it; take the burden from off our backs, then take it from off your own backs. Sir, said Mr. T., they went further. Although they did not believe that this Congress was corrupt, they regarded you as setting a bad example. They looked forward, said he, to distant and more corrupt times, when wicked men, profiting by this example, might vote themselves ample fortunes, and then laugh at the people. I repeat, said Mr. T., that my constituents did not think this body corrupt for having passed this law. They looked here, he said, and saw men who had devoted their youth to the service of their country, and who had grown old at the helm of the vessel. They saw among you many who had rode out in security the boisterous storm of faction and of party, and had avoided the whirlpools that had threatened to swallow up you and them. They looked to the field, and saw many of you with your breasts exposed to receive the lightning ere it fell on the bosom of your country.

The question on filling the blank with *ten* was taken, and decided in the negative—yeas 83, nays 184.

A motion was then made, by Mr. CULPEPER, to fill the first blank with the word "nine," and the question being taken thereon, without debate, it was determined in the negative—yeas 48, nays 128.

Mr. THOMAS WILSON then moved to fill the blanks, both as to the per diem and the allowance for every twenty miles' travelling, with "eight."

MONDAY, January 20.

The Compensation Law.

The House then proceeded to the considera-

tion of the bill to repeal the act of last session, to change the mode of compensation to the members of Congress—the motion to fill the blank with “eight” dollars being still under consideration.

Mr. MILLS then proceeded to state, that although he was in favor of the increase of compensation, he thought it should be effected by adding to the daily allowance, and not by an annual stipend. This mode was, he said, more uniform and equal in its operation. Sessions of Congress are of unequal length in different years, and the same sum which in one year would be an ample, and perhaps extravagant, compensation, might in another, and especially if there should be an extra session, be wholly inadequate. The Senate, too, were sometimes convened by the President to transact Executive business, when the House do not assemble; that branch would then be placed on an unequal footing with this House. Fix upon a reasonable and fair allowance by the day, said Mr. M., and the great ground of clamor will be removed from the people. They will then know what they pay, and the demagogues of the day will not have it in their power to excite a suspicion that their Representatives had slighted the public business, for the sake of bringing the session to an early close. Indeed, Mr. M. said, he had scarcely heard any intelligent man out of the House question the propriety of increasing the compensation. Such men had confined their complaints to the mode of increase, and that the law was retrospective in its operation, so that those who raised the compensation participated in the benefits of its increase, as well for that part of the session which had elapsed, as for that which was to come. This last grievance, if it be one, it is now too late to remedy, but the other it is still in your power to correct. What, said Mr. M., was the great object gentlemen had in view in passing the law of the last session? It was to raise the compensation, and the mode of payment was a mere circumstance, not at all necessary to the attainment of the main object. Let me then ask gentlemen in favor of the law of last session, how they can withhold their aid from those who have the same object in view, but differ only in the mode of attaining it? Why persevere in an adherence to form, at the risk of the substance? Mr. M. said he was not endeavoring to persuade honorable gentlemen to a course which he himself would not adopt. He was ready to prove the sincerity of his profession by his vote; for believing as he did most conscientiously, that the compensation under the old law was inadequate, if all attempts to fill the blanks in this bill with a reasonable daily allowance shall fail, Mr. M. said, he should most certainly vote against the repeal of the law of the last session, and especially if it was connected with a repeal of all laws upon this subject. He deprecated the idea, that each Congress was to fix the compensation of its members. It was throwing the apple of discord into every succeeding Congress, at its outset, and it was holding up a seat in this House as a prize to the

most noisy brawler of economy, a prize upon which every election would generally be struck off to the lowest bidder. By a conciliatory course, in regard as well to the precise sum as the mode, much future evil may now be avoided. The dignity of the House, as well as the great interests of the people, requires that something permanent should now be accomplished, and that the public mind should no longer be agitated by this disgusting subject.

Mr. CONDRY, of New Jersey, said, that having differed from his colleagues in his vote upon the compensation law of last session, and differing from them now as to the amount of daily pay of the members, he wished to submit a few remarks in explanation of the vote he should give.

I voted for the law of last session, said Mr. C., from a full conviction that, by the depreciation of money, and the increased expense of living in this place, the daily pay of six dollars had virtually become reduced to half its original value. I voted for it, however, very reluctantly, on account of the salary principle, as it was called. I felt also a delicacy in deciding upon our own compensation, and regretted the loss of an amendment offered by a gentleman from Virginia, (Mr. RANDOLPH,) excluding the present Congress from the operation of the law. Convinced, however, that an increase of compensation was reasonable and just, to enable us to meet increased expenses, I voted for the bill unpopular as I knew it would be. If the sum to be allowed by this bill be such as I deem reasonable and fair one, I shall vote for it, and for the repeal of the former law.

The first and principal objection is, that it is unpopular. This is true to a certain extent, and would have been true to nearly the same extent if the original compensation had been two dollars; or, indeed, if the practice had been to have no compensation at all. Any increase of wages by any legislative body will be, to a certain extent, unpopular, and therefore the mere popularity hunter will say no to the measure, although he may extend his charity so far as to look complacently on those who differ from him, and force a few dollars into his pocket. I admit that many honest citizens, from the best of motives, have disapproved an increase of pay. The man who labors for two dollars cannot see the propriety of paying to others six dollars; and it is useless to reason the case with him. The great mass of the people know nothing of the expenses which are unavoidable at the Seat of Government, and if you tell them of fourteen or sixteen dollars per week for room rent and board, they will say you must be very extravagant. They think nothing, or very lightly, of the derangement of private business, and losses at home, produced by an absence of six months. It is, therefore, not to be expected that, whilst the great proportion of the people look upon the subject in this manner, they will applaud an increase of the daily pay. And when we consider how many factious and intriguing demagogues are found, anxious to destroy the

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reputation of others, that they may build their own upon the ruins, laboring by misrepresentations and false statements to effect their dirty purposes, and withdraw public confidence when it has been bestowed, it is no wonder that there has been much clamor excited against the law of last session. But gentlemen have fallen into an error in supposing that all the clamor connected with the compensation law, so called, is proof of its unpopularity. Let us for a moment examine it. This clamor, if it be considered as proof that the law is unpopular, should have been directed exclusively against the friends of the law. Look at your elections. They will teach you, that those who voted against it have fared no better than those who voted for it. The people have said in vulgar language, "the receiver is as bad as the thief." In many places public censure has been most pointed against those who voted negatively, and received the money. As far as the result of the election is known, I believe more members are returned to the next Congress who were in favor of the law, than of those who were against it. The original mover, (Mr. JOHNSON,) his colleague, (the SPEAKER,) and a member from South Carolina, (Mr. CALHOUN,) the leading and able advocates of the bill, are all of them re-elected to the next Congress. Many of the New England members who voted for it, as well as from New York, Pennsylvania, and elsewhere, are also returned. The honorable gentleman from South Carolina, (Mr. HUGER,) who so signally distinguished himself as the champion of opposition, remains at home. All the Georgia delegation, though voting against it also, are left out of the next Congress, except one gentleman, and he decidedly in favor of increasing the wages. I admit the law is unpopular, and many have lost their seats because they voted for it. But much of the clamor has been artificially excited by designing men, and, to create the greater vacancy, it has been indiscriminately pointed at on all sides. It has been a two-edged sword, aimed at the throats of both friends and foes. In New Jersey it has been wielded with great dexterity, as a sort of triangular weapon. I have been dismissed for voting for the bill; one of my colleagues for voting against it, and another one for not voting at all on either side.

The bill, purporting a repeal of the salary principle, and fixing a daily compensation, so far meets my approbation. Not being a member of the next Congress, I feel none of the embarrassment I formerly experienced, in voting on a question affecting my own compensation. If the blank be filled with such a sum as may enable gentlemen, in future, to defray expenses here, and furnish a reasonable support to their families in their absence; if, in short, the compensation be such, that a man in moderate circumstances, if elected, may hold a seat without entire ruin to his family—I will vote for the bill. Neither the times, nor the interests of the country, require such individual

sacrifices. I know instances of a long life, faithfully devoted to public service, and with a careful economy here and at home, terminating in poverty, not in absolute want of bread, but of comparative poverty. It is not enough that they have surrendered their domestic comforts and enjoyments, undergone the pains and privations of sickness from home; the unavoidable demands every year upon their private means for support have reduced them to scanty allowance. I hope for better times for those who are to succeed us. I shall vote for eight dollars, as a medium, calculated to meet the cases of a great majority of such as I wish to see occupying seats here. I mean, men in the middle walks of life. With prudent management, it will afford them a decent support, and no more. To the wealthy it can be no object, and although it may possibly tempt the man who has no employment at home, or whose time is of no value to him, yet the good sense of the people will, in most instances, teach them, that such men are as great drones here as they are at home.

The question was now taken on filling the blank with eight dollars, and decided in the negative—76 yeas, 92 nays.

YEAS.—Messrs. Adams, Adgate, Alexander, Bateman, Birdsall, Birdseye, Calhoun, Cannon, Carr of Massachusetts, Champion, Chappell, Clark of New York, Condict, Creighton, Crocheron, Culpeper, Davenport, Findlay, Forney, Forsyth, Gaston, Gold, Griffin, Hall, Henderson, Hopkinson, Ingham, Irving of New York, Jackson, Johnson of Virginia, Kent, Kerr of Virginia, Law, Love, Lowndes, Wm. Maclay, Wm. P. Maclay, McKee, McLean, Middleton, Miller, Mills, Milnor, Moffitt, Moore, Mosely, Jer. Nelson, Newton, Pitkin, Powell, Reynolds, Rice, Ruggles, Savage, Schenck, Sheffey, Smith of Pennsylvania, Stearns, Strong, Sturges, Taggart, Tallmadge, Telfair, Thomas, Townsend, Wallace, Ward of Massachusetts, Wendover, Wheaton, Wilde, Thomas Wilson, William Wilson, Woodward, Wright, Yancey, and Yates—76.

NAYS.—Messrs. Archer, Atherton, Avery, Baer, Baker, Barbour, Bassett, Baylies, Bennett, Betts, Blount, Boss, Bradbury, Breckenridge, Brooks, Bryan, Burwell, Cady, Caldwell, Cilley, Clarke of North Carolina, Clayton, Clendennin, Comstock, Conner, Crawford, Darlington, Desha, Dickens, Edwards, Fletcher, Goldsborough, Goodwyn, Grosvenor, Hahn, Hale, Hammond, Hardin, Harrison, Heister, Hendricks, Herbert, Hooks, Huger, Hulbert, Hungerford, Irwin of Pennsylvania, Jewett, Johnson of Kentucky, King, Langdon, Lewis, Little, Lovett, Lumpkin, Lyle, Lyon, Marsh, Mason, McCoy, Murfree, Hugh Nelson, Thomas M. Nelson, Noyes, Ormsby, Parria, Peter, Pickering, Piper, Pleasants, Randolph, Reed, Roane, Root, Ross, Sharpe, Smith of Maryland, Smith of Virginia, Southard, Stuart, Taul, Taylor of New York, Taylor of South Carolina, Tyler, Vose, Ward of New York, Ward of New Jersey, Whiteside, Wilcox, Wilkin, Williams, and Willoughby—92.

TUESDAY, January 21.

The Compensation Law.

The question then recurred on the motion made yesterday by Mr. GROSVENOR, to strike

out the substance of the bill, and insert a substitute repealing all the laws on the subject from the end of the session, so as to throw on the next Congress the necessity of acting on the subject, not, he declared, with any ungenerous motive towards them, but that they, coming fresh from the people, might be left to decide freely and unshackled.

The motion was supported, earnestly and at length, by Mr. ROBERTSON; when Mr. TAYLOR, of New York, moved to amend the amendment by confining the repeal to the existing act, and thus leave the subject of compensation as it stood prior to the act of last session, which he modified, on the suggestion of Mr. FORSYTH, so as to revive expressly the former laws on the subject.

After a desultory debate of some time on the motion of Mr. GROSVENOR, and the amendment proposed thereto, the question was taken on Mr. TAYLOR's motion, and decided in the affirmative—yeas 85, nays 81.

WEDNESDAY, January 22.

The Compensation Bill.

The question then recurred on Mr. FORSYTH's motion to extend the operation of the bill to the commencement of the present session.

Mr. GROSVENOR moved to amend Mr. FORSYTH's proposition, by striking out the whole thereof, and inserting a substitute, substantially to suspend the repeal of the existing compensation act until the end of the present session, and to provide that the repealing act should not revive any former compensation law.

After some debate thereon, the question was taken on Mr. GROSVENOR's motion, and decided in the affirmative—yeas 104, nays 62.

So the House agreed to the substitute, and decided against repealing the existing act, until from and after the present session, and against the revival of the previous compensation law; thus leaving it to the next Congress to act of necessity on the subject.

The bill was then, at length, ordered to be engrossed, as amended, and read a third time to-morrow.

THURSDAY, January 23.

A new member, to wit, from Georgia, ZADDOCK COOK, appeared, was qualified, and took his seat, in the room of Alfred Cuthbert, resigned.

Compensation Law.

An engrossed bill, "allowing compensation to the members of the Senate and House of Representatives of the United States, and Delegates from Territories, and repealing all other laws on that subject contrary thereto," was read the third time, and the question stated that the same do pass—

Mr. RANDOLPH moved to commit the bill to a select committee; which was agreed to by the House, and Mr. RANDOLPH, Mr. GROSVENOR, and Mr. HOPKINSON, were appointed the com-

mittee, with leave to sit during the session of the House.

Mr. RANDOLPH, with leave of the House, reported an amendment to the bill, which was read and concurred in, and the bill was ordered to be re-engrossed, and read a third time forthwith to-day.

The bill being engrossed, was read the third time accordingly, and is in the following words:—

Be it enacted, &c., That, from and after the close of the present session of Congress, the act, entitled "An act to change the mode of compensation to the members of the Senate and House of Representatives, and the Delegates from Territories," passed the 19th of March, 1816, shall be, and the same is hereby repealed. *Provided always,* That nothing herein contained shall be construed to revive any act or acts, or parts of acts, repealed or suspended by the act hereby repealed.

Mr. PITKIN opposed the bill, because it repealed all laws on the subject, which he could not consent to, after pocketing themselves three thousand dollars; he disapproved of the bill in its present shape, because of the precedent which would probably, by this course, grow up, of compelling each Congress to fix its own compensation, and thus continually reviving the delicate, embarrassing, and irritating subject; the ultimate consequence of which, he feared, would be, at every election, to put up the seats in this House to the lowest bidder.

Mr. GROSVENOR said, that the members still retaining their opinions on this subject, properly declined repealing the act as to the present Congress; but, as it appeared not acceptable to the people, they leave the subject open to the next Congress. This was the only honorable course; for, if the act was touched at all, it ought to be retrospective, and every dollar received above the old pay ought to be refunded: that, if the House could have agreed on an adequate per diem, the case would have been different; but, that not being the case, the only proper course, if repealed, was to adopt the bill in its present shape. He, however, to be consistent, would vote against the bill in any shape; but he wished the step taken by the House to be as little discreditable for it as possible.

Mr. PITKIN replied at some length; when the question whether the bill should pass, was decided by the following vote:

YEAS.—Messrs. Adams, Alexander, Archer, Atherton, Avery, Baer, Baker, Barbour, Bassett, Bateman, Bennett, Birdsall, Birdseye, Blount, Boss, Brockenridge, Brooks, Bryan, Burwell, Cady, Caldwell, Cannon, Carr of Massachusetts, Champion, Cilley, Clark of New York, Clarke of North Carolina, Clendennin, Comstock, Conner, Cook, Crawford, Creighton, Crocherson, Culpeper, Darlington, Desha, Dickens, Edwards, Findlay, Fletcher, Forney, Forsyth, Gaston, Gold, Goldsborough, Goodwyn, Griffin, Hahn, Hale, Hammond, Hardin, Harrison, Heister, Henderson, Hendricks, Herbert, Hooks, Huger, Hungerford, Ingham, Irving of New York, Irwin of Pennsylvania,

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Bill for enforcing Neutrality.

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Jackson, Jewett, Johnson of Kentucky, Johnson of Virginia, Kent, King, Langdon, Law, Lewis, Little, Love, Lovett, Lowndes, Lumpkin, Lyle, Lyon, William Maclay, William P. Maclay, Marsh, Mason, McCoy, McKee, McLean, Miller, Milnor, Moffitt, Moore, Mosely, Jeremiah Nelson, Hugh Nelson, Thos. M. Nelson, Noyes, Parria, Peter, Pickering, Piper, Pleasants, Powell, Randolph, Reed, Reynolds, Roane, Root, Ross, Ruggles, Schenck, Sharpe, Sheffey, Smith of Maryland, Smith of Virginia, Southard, Strong, Stuart, Sturges, Taggart, Tallmadge, Tate, Taul, Taylor of New York, Taylor of South Carolina, Thomas, Tyler, Vose, Ward of Massachusetts, Ward of New Jersey, Wheaton, Whiteside, Wilcox, Wilde, Wilkin, Williams, Willoughby, Thomas Wilson, Wm. Wilson, and Yancey—188.

NAYS.—Messrs. Baylies, Betts, Bradbury, Calhoun, Chappell, Clayton, Condict, Cooper, Davenport, Grosvenor, Hall, Hopkinson, Hulbert, Kerr of Virginia, Mills, Newton, Pitkin, Rice, Robertson, Savage, Smith of Pennsylvania, Stearns, Wallace, Ward of New York, Wendover, Woodward, and Yates—27.

So the bill passed, and after considerable discussion on the title proper to be given thereto, whether it should express fully all the provisions of the bill, &c., it was decided at length to be entitled, "An act to repeal, after the close of the present session of Congress, the act entitled, 'An act to change the mode of compensation to the members of the Senate and House of Representatives, and Delegates from Territories,' passed 19th March, 1816."

And the House adjourned.

FRIDAY, January 24.

Bill for enforcing Neutrality.

The House then proceeded to the order of the day on the bill further to prevent the fitting out, in the ports of the United States, of expeditions against nations in amity with the United States—in Committee of the Whole.

Mr. FORSYTH, of Georgia, the chairman of the committee who reported the bill, rose for the purpose of explaining the views of the committee on this subject. The attention of the House had been called to this subject, Mr. F. said, by the President of the United States, who, by his Message of the 26th of December, had apprised both Houses that the existing laws did not enable him to preserve the peace of the United States with foreign powers. The subject of that Message having been referred to the Committee of Foreign Relations, they, in the ordinary mode, had applied to the Secretary of State for information specially on the subject. They inquired what information had been given to the Department of State of violations, or intended violations, of the neutral obligations of the United States to foreign powers, by the arming and equipment of vessels of war in our ports; what prosecutions had been commenced under the existing laws to prevent the commission of such offences; what persons prosecuted had been discharged in consequence of the defects of the laws now in force; and the particular provisions that had been found insufficient,

or, for the want of which, persons deserving punishment had escaped. On the 6th of January an answer had been received from the Secretary of State, referring to certain verbal communications to the chairman of the committee, and stating what were the defects in the laws. As the chairman of the Committee of Foreign Relations had not thought himself at liberty to state, on his own authority, the verbal communications referred to by the Secretary, on the 10th of January the Secretary of State had addressed to the committee another letter, more particular as to the facts, stating the prosecutions commenced, how far they had been successful, and how far they had failed. The information collected by the committee, Mr. F. said, was defective in some particulars, but it was no fault of the committee. It did not appear, from the documents, from what causes some of the prosecutions had failed. However, taking it for granted, as it was their duty to do, that the information of the President was correct, the committee had turned its attention to existing laws, to ascertain the provisions seeming to them necessary to remove these defects.

It was found that the act of 1794, which the circumstances then occurring had called for, forbade, under heavy penalties, citizens of the United States from accepting commissions from foreign powers within the United States; forbade persons, in like manner, from enlisting or causing others to enlist in the service of foreign powers; from fitting out armed vessels within the United States to cruise, or issuing commissions therefor; from augmenting the force of an armed vessel within the United States belonging to a belligerent, in regard to whom the United States were neutral; from setting on foot military expeditions in the United States against friendly powers; and further provided that a land and naval force of the United States might be employed to enforce the law, and also to compel the departure from ports of the United States of foreign armed vessels which ought not to remain there, &c. The act of 1797, amendatory to that act, Mr. F. went on to explain, prohibited citizens of the United States, without the limits thereof, from fitting out armed vessels to cruise against a friendly power, &c. These laws were found to be defective, on examination, because they only applied the act of 1794 to certain acts "within the waters of the United States," the supplementary act of 1797 to acts of the same character "without the limits of the United States." But there was no provision in either to forbid a citizen from arming and equipping a vessel within the United States, and then selling it to a foreigner to be taken out of the United States and used contrary to law. In other words, the citizen and foreigner may do that conjointly which neither of them could separately do under the former laws.

To remedy that defect, the first section of the bill now before the House was framed, the

amount of which was, that any person fitting out, or concerned in furnishing, fitting out, or arming any private vessel of war, or selling or contracting to sell any such vessel, with intent or previous knowledge that the said vessel is to be employed to cruise or to commit hostilities upon the subjects, citizens, or property of any State with whom the United States are at peace, such person shall be liable, on conviction, to a fine not exceeding ten thousand dollars, and imprisonment not exceeding ten years.

The second section of the act was to remedy another defect obvious to the committee, and which had been suggested by the Executive of the United States. The present laws were defective in not authorizing the interference of the Executive to prevent the commission of the offence, nor unless there was sufficient proof to justify punishment for commission of the offence. This was the reason of the second section of the act, calling on the owners of armed vessels to give security that they will not violate the neutral obligations of the United States. The committee had been induced to offer this general provision, in preference to authorizing collectors at their discretion to call on the owners of armed vessels to give bonds, for obvious reasons. Persons engaged in a fair commerce, where there could be no suspicion of an improper intention, would be at no loss in obtaining the security required; and, though they would be subjected to some little inconvenience, it was not such an objection as to prevent the adoption of an important general measure. And the provision was made general, further, because the committee were unwilling to throw on the collectors on the one hand the responsibility of making discriminations, and on the other were not willing to trust the collectors, &c., in all cases, because they were not always discreet, and, by the general provision, the effect of connivance or indiscretion on the part of any officer of the United States would be obviated.

But, inasmuch as it was obvious that the evil would not wholly be remedied, without some discretionary power being vested in the collectors, that discretion was given in the third section, to restrain from sailing any vessel in such condition as that, though not armed, they may be as soon as they leave the waters of the United States. That section authorizes the collector to detain such vessel until permission be given by the President of the United States for its proceeding to sea, or until the party enter into the obligations required of the owners of armed vessels by the second section of this bill. The fourth and last section of the bill forbade any foreign ship or vessel to be armed and equipped, or the force of any foreign armed ship or vessel to be increased or augmented, in the ports of the United States, under any pretence whatsoever.

Having thus explained the motives of the committee, and the provisions of the bill, Mr. F. submitted it to the pleasure of the House.

Mr. Roor, of New York, said that, of the whole of this bill, though he was not partial to any part of it, the third section was the most objectionable. He much doubted whether it did not violate the constitution, certainly more than some nearly analogous provisions which had in former times excited gentlemen on the other side of the House, though he ought not now to call on one side or the other of the House, for it was impossible at this day to distinguish the sides of the House, except in relation to the four walls of the Representative chamber. The present was not an occasion, he said, sufficiently urgent to subject the citizen to inconvenience, and inflict on him sore injury, as proposed by some of the provisions of this bill.

But, what occasion, he demanded, was there for the passage of any law at all? It had been said that some vessels, laden with munitions of war, had been sent to our brethren in South America, which they may probably use in achieving their independence. This, said he, is the case: A Spanish Chevalier, representing the Government of Spain, has complained to our Government of these expeditions, requiring of it not only to punish violations of its neutrality, but also to administer preventive justice. It was extremely desirable, Mr. R. said, that the correspondence on this subject should be laid before the House, for it was said that the Spanish Minister had been aided in his requisitions by the Minister of a powerful kingdom, and that therefore, to avoid a second or third Punic war, Congress must proceed to pass this bill. Now suppose the Minister of a nation in alliance with that Government, should undertake to insist on this Government doing any act having relation to Spain only—he should say that the Minister would have no right so to act, and that the Government was not bound to attend to it at all. A British Minister would have no right, if the strictest alliance subsisted between them, to demand of us to do an act having relation to Spain only. In the year 1794, when expeditions were on foot here, and the Minister of France was issuing commissions to our citizens, at the demand of the British Minister, the Government passed the law of 1794; afterwards, when Mr. Liston was here as the Minister from Great Britain, and every affection of the Government appeared to be wrapt up in the cause of Great Britain herself, at that time, Mr. R. said, the act of 1794 was amended, to the extent that the Representative of the British Court desired. What more then can they ask? said Mr. R. Do you suppose, if at that time the British Minister had not been satisfied with the law as passed, that Congress would have hesitated a moment to pass a law that would have been satisfactory? He believed not. That law, which before had been passed with limitation, had by the subsequent act been made perpetual, and was now the law of the land. Our laws then were, he contended, abundantly sufficient to satisfy the British

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Government itself. They are such, said he, as were thought sufficient by her, when she was at war with Republican France: when the affections of our people were ardent towards the cause of liberty in France, whilst the Government, in conjunction with the British Minister, was endeavoring to prejudice the people against her.

If Great Britain had been then satisfied with our statutory provisions on that subject, why should not Spain now be satisfied with them? Had not the officers of Government, under those laws, prosecuted and brought to conviction many of our citizens, for offending against the laws of neutrality? Yes; but preventive justice must be established, because the offender cannot always be arrested after the commission of the offence, and this, too, at the demand of the Spanish Minister? Has Spain any right, said Mr. R., to make such a demand on us? Without referring to the acts of the Spanish Government prior to the declaration of war, there are causes enough to call on us to stay our hand before we go farther, on the present occasion, than the laws of nations require; before we pass this act of magnanimity. Is it called for by the spirits of the slaughtered crew of Commodore Porter, at Valparaiso? Or do the mingled ashes and bones at Fort Mims require it? The permission to our enemy to bring arms through her territory during the late war—does that call for it? Or is it demanded by the groans of Americans from the prisons of Havana? Neither of them, he was certain.

For his part, Mr. R. said, he was willing to treat belligerent nations according to the strict laws of neutrality, to give them what they have a right to demand. But he would go no further, especially in the case of this sort of war—a struggle of a people for freedom, against the tyranny of a bigoted Sovereign. What do these laws demand of us? Nothing more, in my judgment, said he, than that the Government shall not countenance violations of its neutrality by its citizens; that it shall punish offenders in this respect. But, what right has a belligerent to demand the passage of preventive laws; to demand a neutral nation to lay its citizens under bonds that they will not violate that neutrality? She has no right to demand it, and our refusal of such a demand can never be a cause of war between the two powers. The belligerent has the power of confiscation, and the right of seizing goods contraband of war on the ocean; it has, itself, therefore, the power of punishing offences committed at sea; and our laws provide for the punishment of offences against neutrality committed in our waters. What more, he asked, could the belligerent demand? Why, it appears, we must lay our own people under bonds, that they will not violate our neutral obligations. If the principle was correct in itself, it might be applied to an unlimited extent. If the merchant might be compelled to give bonds for his peaceable demeanor, the yeomanry

might, on the same principle, be compelled to give bonds that they will not go on foot into the provinces of Spain? If the merchant is to give bonds that he will not carry on the surface of the ocean any goods contraband of war, or soldiery, bonds may be required of our citizens, that they will not transport soldiery, powder and ball, by land. If this be admitted, then every citizen may be laid under bonds, that he will not go over to aid the Spanish patriots, in the achievement of the great cause they have undertaken. What would then be the consequence? Bonds will presently become too feeble, and restraints of stronger force will be applied. Would you, said he, call out an army sufficient to line the whole south-western frontier, to prevent our citizens from going over? If the belligerent has a right to demand one inch of preventive justice, she has a right to demand it to be extended these two thousand miles. No, Mr. R. said, they had no right to demand it in any case.

There was no fear of war, Mr. R. said, if this bill should not pass into a law. Spain go to war with the United States! Would Great Britain assist her? She might, Mr. R. said, find her interest in herself exclusively assisting these people, in thus alienating their affections from the United States. Feeling this interest, if by negotiation, by any sort of management, she could attract to her the affections of these South American people, her object would be attained. But, if Great Britain were to engage in a war with the United States in behalf of Spain, on this account, she would alienate the affections of the South Americans forever, and throw the trade of that immense region wholly into the hands of the United States. There was no danger of Great Britain engaging in a war for this cause: she knows and consults her interest too much. If the Monarch of Spain should choose to engage in a war with the United States, in consequence of a refusal to pass this bill, be it so. Rather than submit the United States to the degradation, to which the passage of this bill would expose us, Mr. R. said, he would receive the Ambassador, who had been waiting here for admission for months, from the five United Provinces of South America. A few months ago, said Mr. R., we were willing to encounter in war the most powerful nation on the earth—to take the British Lion by the beard. What are we called on to do now? To succumb and humble ourselves at the feet of the Spanish Jack. I cannot consent to it. Let the Cavalier speak proudly of the Castilian spirit of his nation—I object not to his doing so; but I am unwilling that the American nation shall be humbled before it. Mr. R. therefore moved to strike out the third section of the bill.

Mr. SMITH, of Maryland, said, that it appeared to him, from the observations of the gentleman from New York to-day, and from those which had yesterday been made on the subject, that the third section of the bill had not been completely understood. The third section did not forbid,

nor at all restrain, our citizens from selling munitions of war to whomsoever they pleased. The object of that section was merely to carry into effect the second, which, without it, would be very easily eluded. A vessel pierced for guns, and capable in every respect of being a private vessel of war, manned completely, might, under existing laws, go to sea without any appearance of arms on her deck; (her armament of cannon being concealed beneath the deck,) and, the moment she was out of sight of the coast or clear of detection, take out her guns, evade the laws, and become at once a completely equipped armed vessel. By this bill, it was proposed to authorize the collector to examine any vessel going to sea, and see whether she had such an armament as would enable her, when she got to sea, to fit herself for war. If so, the collector was authorized to stop such until he could make report of her to the President of the United States, and receive his decision respecting her. If proper, she would be permitted to proceed to sea; if otherwise, she would and ought to be detained. The necessity for this provision, Mr. S. illustrated by examples familiar to his mercantile knowledge. The exportation of arms, in vessels not prepared to fight their way, was, he said, a simple business of commerce, and not affected at all by this bill; the only restraint upon it being the risk of capture for carrying contraband of war. Where then could be pointed out an injury to the honest merchant, as likely to flow from this third section? It could do no harm, on the one hand; but without it, on the other, the second section of the bill would be of no use. We, said Mr. S., who are engaged in the East India trade, must arm for defence against the picaroons that infest the islands along the coast of that country. To such vessels there will be an inconvenience in giving the bond required by the third section; but one must submit to the inconvenience, to prevent abuses by persons, who, for the sake of gain alone, implicate the Government in a conduct which must be reprobated by all considerate men.

Had such a law as this been in force, Mr. S. said, the collector of New York would not have had to pay a hundred and twenty thousand dollars for having stopped a vessel built and equipped in that port, from being delivered into the hands of one of the black Emperors. If your present laws on this subject are permitted to remain, said Mr. S., you must pass some act to enable your officers to execute them. The principle of the bill was not new, he said, having been adopted by successive Congresses. Why have laws that we cannot execute, and thus expose our officers to vexatious law-suits, and to the loss of money, a loss ultimately devolving on the United States?

The honorable gentleman last up, was mistaken in saying that this bill would prevent the supply of munitions of war to men who were fighting for their liberty. This bill, Mr. S. said, provided only that the Government should not be implicated by the citizen in his enterprise.

Arms might still be exported to any extent, but in the common way of merchants, not by force of arms, but by swift sailing. We are not authorized by the laws of nations, to arm and force a trade in munitions of war with one or two belligerents, in respect to both of whom we are neutral.

The honorable gentleman from New York has told us, said Mr. S., that out-of-doors information says, that the Spanish Minister, aided by the Minister of a powerful nation, had demanded of the United States to take the course now proposed. Out-of-doors information, said Mr. S., is often wrong, and I trust is not right on the present occasion. The committee took every means in their power to inform themselves on this subject, and nothing had appeared which could be interpreted into an interference of the British Minister on the subject. It would have ill become the British Government to pursue such a course. They carry on a trade in munitions of war to the Spanish patriots of Buenos Ayres, in the same manner as we do to other parts of the provinces; although, said Mr. S., I have never understood that they fit out privateers in their waters, and fight for the security of that trade. I believe, sir, the British Minister has not made the interference spoken of by the gentleman. I speak from my own information only; but, if such had been the case, it would have been the duty of the Secretary of State to have given information of it to your committee; and your committee, as well as this House, would have regarded it as a very important interference. That no such thing had occurred, Mr. S. said he fully believed. If Great Britain should insist upon our doing an improper act in relation to Spain, the Executive of the country would know how to treat the interference. Neither this nation, nor the Executive, would bow to the mandate or call of any foreign nation to do what it thought improper; and no nation would make a demand of that sort but would get a proper answer from this Government.

Had Spain, the gentleman asked, any right to require of us the passage of such a bill? Was it called for by the acts of that Government? She has a right to make a demand of us, said Mr. S., similar to that which we made of her when she permitted French privateers to fit out in her ports and commit depredations on the commerce of the United States. We made a representation on the subject, and demanded of the Spanish Government that the practice should not continue, and that they should pay us for every depredation which had been so made on our commerce. What may the Spanish Minister demand in return? That you should not permit your citizens to fit out and man with your seamen vessels within the ports of the United States to depredate on her commerce? Are not these the cases in point? What did Spain say in reply to our demand? She said yes; but she had not, it is well known, the means of then doing what she was willing to have done. She

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said she could not help what had taken place, but was not only willing to pay you for depredations by Spanish privateers, but by French privateers fitted out of Spanish ports. She was not able, but declared her willingness. When, Mr. S. said, we had subsequently made a treaty with Bonaparte, then First Consul, we released France from all demands on her as to depredations on the high seas, and the plunder that her people had made on our commerce. We gave it up for what was considered a *quid pro quo*. We were bound to guarantee the French West India Islands, rather than continue which guarantee, Mr. S. said, we had agreed to give up our claims for depredations committed on our commerce prior to that treaty by France. When Spain then had heard that we had agreed to give up all claims for depredations committed by France, she argued that she could no longer have claims on France for her depredations since we had released her, and that therefore she (Spain) was no longer bound to indemnify us. What had since been done on this question, Mr. S. said, he knew not; but he took it for granted, that our Government would persist in the demand, and never relinquish it.

Was it not possible that Spain would now prefer a claim for losses sustained from depredations on her commerce by vessels fitted out of our ports? Mr. S. said he was very much afraid she would, and was therefore desirous to arrest them, that the amount might not be further increased. I am not, said Mr. S., the apologist of any foreign Government. When they commit aggressions on us, when they violate our rights, it is the duty of our Government to resent and correct the proceeding. If the Spaniards at Valparaiso injured us, our Government knows how to make the demand for redress, and we know how to enforce it.

The gentleman from New York, who, Mr. S. said, was perhaps better acquainted with the laws of nations than him, seemed to think it was not the duty of the United States to stop a military force from marching from the territories of the United States against the Spanish provinces. That individuals might embark in foreign war consistently with the law of nations, no one could deny; it was done by foreigners in every war, for the purpose of acquiring military knowledge. But would it not be considered a violation of the laws of nations to permit the enlisting or enrolling men in our territories to fight on one side or other of the two belligerents? [Mr. Root explained that his observations applied to the adoption of *preventive* laws only, carried to too great an extent.]

The gentleman had said he was not afraid of a war with Spain. I believe, said Mr. S., there is no American afraid of a war with Spain. But the gentleman had gone into an argument to show that it would be to the interest of Great Britain to get hold of the affections of the people of South America, that she might shut us out from the trade. Wherever there is trade, said

Mr. S., the industry, enterprise, and talents of the American merchant will enable him to find his way there, and to carry it on, on equal terms, with any nation on earth. I do not think, sir, that Great Britain would be extremely provoked, that it would make her entirely unhappy, that the Spanish provinces should become free; it is not impossible but she may aid them in accomplishing their object. If so, their trade will be open to all nations, and there is no fear but we shall have our chance at it.

Mr. CLAY, of Kentucky, (the Speaker,) availed himself of the only opportunity which remained to him, as it was proposed that the committee should now rise and report the bill, to offer to its consideration a few observations. As long as the Government abstained from taking any part in the contest now carrying on in the Southern part of this Continent, it was unquestionably its duty to maintain a strict neutrality. On that point, there was and could be no difference of opinion. It ought not, however, to be overlooked that the two parties stood at this Government on unequal ground. One of them had an accredited Minister here to watch over its interests, and to remonstrate against any acts of which it might complain; whilst the other, being wholly unrepresented, had no organ through which to communicate its grievances. This inequality of condition in the contending parties imposed upon us the duty of great circumspection and prudence in what we might do. The gentleman from Virginia (Mr. RANDOLPH) had indeed contended, in reply to the gentleman from Kentucky, (Mr. SHARPE,) that the doctrine of neutrality had no application to the case, because one party was not recognized by this Government. But, Mr. C. said, whenever a war exists, whether between two independent States or between two parts of a common Empire, he knew of but two relations in which other powers could stand towards the belligerents: the one was that of neutrality, and the other, that of a belligerent. He hoped the gentleman from Virginia did not mean to contend (what would seem to be a consequence of his opinion) that we were a party to the war, and an ally of Old Spain against her colonies.

Being then in a state of neutrality respecting the contest, and bound to maintain it, the question was, whether the provisions of the bill were necessary to the performance of that duty. It will be recollected that we have an existing law directed against armaments, such as are described in the bill. That law was passed in 1794. It was intended to preserve our neutrality in the contest between France and her enemies. The circumstances under which it was passed must be yet fresh in our recollection. The French revolution had excited a universal enthusiasm in the cause of liberty. The flame reached this country, and spread with electric rapidity throughout the Continent. There was not a State, county, city, or village exempted from it. An ardent disposition to enter into the conflict, on the side of France, was every-

where felt. General WASHINGTON thought it the interest of this country to remain neutral, and the law of 1794 was enacted to restrain our citizens from taking part in the contest. If that law had been effectual to preserve the neutrality of this country during the stormy period of the French revolution, we ought to pause before we assent to the adoption of new penalties and provisions. If the law did not reach the case, (which he understood to be doubtful, from some judicial decisions,) he was willing to legislate so far as to make it comprehend it. Further than that, as at present advised, he was not willing to go.

But the present bill not only went further, but, in his judgment, contained provisions not demanded of us by our neutral duties. It contained two principles not embraced by the law of 1794. The first was, the requisition of a bond from the owners of armed vessels, that persons to whom they might sell those vessels should not use them in the contest. The second was the power vested in the collectors to seize and detain, under certain circumstances, any such vessels. Now, with regard to the first provision, it was not deemed that an armed vessel may be lawfully sold by an American citizen to a foreign subject, other than a subject of Spain. But on what ground is it possible, then, to maintain that it is the duty of the American citizen to become responsible for the subsequent use which may be made of such vessel by the foreign subject? We are bound to take care that our own citizens do not violate our neutrality, but we are under no such obligation as it respects the subjects of foreign powers. It is the business of those foreign powers to guard the conduct of their own subjects. If it be true, as he had heard it asserted, that Fell's Point exhibits an activity in hostile preparation, not surpassed during the late war, we had enough to do with our own citizens. It was not incumbent upon us, as a neutral power, to provide, after legal sale had been made of an armed vessel to a foreign subject, against an illegal use of the vessel.

With respect to the other provision, Mr. C. admitted that the Executive ought, perhaps, to be vested with the power of detaining vessels fitted out in our ports with the intent to be employed in the existing war. But he thought the provision went too far, in vesting any collector with such power, under any circumstances which might, in his judgment, amount to a suspicion of such intent. Abuse was too incidental to a power so vested. A vessel in the port of New Orleans, for example, really intended for a lawful voyage, but which unfortunately might incur the suspicion of the collector, was subject to detention until the pleasure of the President be known, unless the owner gave bond, which he might not have in his power to give, and which Mr. C. trusted he had shown our neutral duties did not enjoin us to demand. Before the pleasure of the President is communicated, although it may be fa-

vorable to the owner, the voyage is defeated, and the cargo, from the nature of the commodities of which it consists, and of the climate perishes!

But, gentlemen have contended that this bill ought to be considered as intended merely to enforce our own laws—as a municipal regulation, having no relation to the war now existing. It was impossible to deceive ourselves, Mr. C. said, as to the true character of the measure. Bestow on it what denomination you please, disguise it as you may, it is a law, and will be understood by the whole world as a law, to discountenance any aid being given to the South American colonies in a state of revolution against the parent country. With respect to the nature of the struggle, Mr. C. had not now, for the first time, to express his opinion and his wishes. Another honorable gentleman from Virginia (Mr. SHEFFEY) had said the people of South America were incapable, from the ignorance and superstition which prevail among them, of achieving independence or enjoying liberty. And to what cause is that ignorance and superstition owing? Was it not to the vices of their Government; to the tyranny and oppression, hierarchical and political, under which they groaned? If Spain succeeded in riveting their chains upon them, would not that ignorance and superstition be perpetuated? In the event of that success, he feared the time never would arrive when the good wishes of the honorable gentleman from Virginia would be conciliated in behalf of that oppressed and suffering people. For his part, Mr. C. said, he wished their independence. It was the first step towards improving their condition. Let them have free government, if they be capable of enjoying it; but let them have, at all events, independence. Yes, from the inmost recesses of my soul, I wish them independence. I may be accused of an imprudent utterance of my feelings on this occasion—I care not; when the independence, the happiness, the liberty of a whole people is at stake, and that people our neighbors, our brethren, occupying a portion of the same continent, imitating our example and participating of the same sympathies with ourselves, I will boldly avow my feelings and my wishes in their behalf, even at the hazard of such an imputation. The honorable gentleman from Maryland (Mr. SMITH) tells us that Spain is one of our best customers, that we trade with her colonies, send our flour to Cuba, our tobacco and rice to Old Spain, and obtain specie in return. How long, let me ask that honorable gentleman, should we be able to make these mercantile speculations (do they deserve to be taken into the account) after the colonies are subdued?

But, notwithstanding the feelings which he cherished on this subject, Mr. C. admitted that it became us not to exhibit the spectacle of a people at war and a Government at peace. We ought to perform our neutral duties, whilst we are neutral, without regard to the unredressed

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injuries inflicted upon us by Old Spain, on the one hand, or to the glorious object of the struggle of the South American patriots on the other. We ought to render strict justice, and no more. If the bill on the table were limited to that object he would vote for it. But he thought it went further—that it assumed duties which we were not bound to fulfil, and thinking so he could not in its present shape give to it his assent.

Mr. RANDOLPH followed Mr. CLAY.—He said, that that gentleman had, in the outset of his remarks, furnished an answer to his whole preceding argument, which, if not an abortion from its birth, was, the gentleman would excuse him for saying, strictly *felo de se*. He had listened to the gentleman with that attention which he ever liked to pay to him. He had laid down two principles at the commencement of his argument utterly fatal to the whole superstructure: that it is our duty to preserve a strict neutrality in the existing contest; but that these colonies and this parent country—unnatural, said Mr. R., as I allow it to have been; I do not stand on this floor as the eulogist of Spain: I am no advocate of the doctrines or of the country of the Inquisition; I was bred a Whig and a Republican, and I shall die one—that these parties are on an unequal footing, for that one has a Minister to our Court—I may say Court, for we have all the essentials of a Court, and want nothing of it but the name—and the other is not in a situation to make any representation of her wrongs. Did not this settle the question, Mr. R. asked—did it not finish it? How came the latter party in such a situation? How came the revolutionists, these patriots, raise them, if gentlemen would, to the patriots of old—put them on a footing with Aristides or Thrasylus—how came they in that relation to the mother country? In stating that fact, the gentleman had given up the position which commanded his whole argument: it was no longer tenable; there was a commanding ground above it. Mr. R. pursued this idea further, contending that it is because we are neutral to Spain, that we are also neutral as to her colonies, taking the view and color of our relation to Old Spain. Our Government did not entertain a Minister from the colonies—and why? Because it did not choose to acknowledge them; because the Government did not feel in this respect as the honorable gentleman felt, and therefore did not act as the honorable gentleman would, were it in his power. The House would recollect well, when the very individual who now stood here as the accredited Minister of Spain, was rejected by this Government when producing credentials from Spain “in revolution” against the Emperor of France, or rather against the puppet who had been placed by him on the throne of Castile and of Arragon. On the same grounds, Mr. R. presumed the Government now refused to receive a Minister from the colonies, because they were incapable of certain acts of a politi-

cal nature. And it was because the parties stood on this unequal footing, that the obligations to neutrality were of greater force on this country, &c.

Mr. R. said he agreed with the honorable gentleman entirely, that it was highly desirable to the whole commercial and civilized world that these colonies should be no longer shut up—no longer hermetically sealed to every thing but an annual flotilla from Havana, or a galleon from Acapulco. But that was not now the question: but it was, whether a law should pass for the more complete execution of the laws of the United States. Mr. R. said he was one of those old-fashioned politicians who never had and never would act abstractedly—and, if there were no case requiring it, he would not encumber the statute book with this act. But the case has occurred, said he; we all know it, and it is not worth while to shut our eyes to the fact on which, indeed, we are legislating.

Mr. R. made several other remarks, amongst which were these: There was not, he said, any sentiment among the people at this time—and the expressions of opinion from all quarters of the House warranted him in saying it—to go to war with Spain. If there were such a disposition in his breast, he should unquestionably vote against this bill. But, in doing so, he should not bottom his vote on the injuries sustained by the United States from Spain, nor on spoliations committed by French vessels fitted out in Spanish ports—those which had been once a subject of discussion between us and Spain. Mr. R. said he thought, with the honorable Speaker, that the House ought not to enter into the question—for a reason assigned by the Speaker, and for another: that that transaction, whenever sifted, would be found to have been highly disgraceful to all three of the parties, France, Spain, and the United States—and, although no keeper of the reputation of France or of Spain, he was not willing to have the whole facts spread before the world now, when they would be of no service, but would serve to degrade the American Government. This quarrel with Spain, he said, had been brought up and laid, as it suited the Government, at different times, &c., and intimated that it was not worth while to bring it into this discussion, for more reasons than because it did not enter into the question before the House.

MONDAY, January 27.

Captives by the Indians.

Mr. COMSTOCK rose to offer a resolution. He said he had sometimes been called upon, in the discharge of professional obligation, to probe those wounds, and to cause them to bleed afresh, which were partially healed. It was now his painful duty to advert to transactions, which exhibited the human character in an amiable and honorable aspect, and in vile and horrid de-

formity. The history of the battle of the river Raisin, said he, fought under the command of the brave but unfortunate Gen. Winchester, has been read by this House and this nation, with too much interest and sensibility to have been forgotten. It discloses events which incessantly awaken our sympathy and regret for the unhappy fate of many of our beloved fellow-citizens, and which excite our abhorrence and detestation of the base and perfidious conduct of General Proctor, who commanded the combined force of British and Indians, with which our troops had to contend on that memorable occasion. Yes, Mr. Speaker, the names of Allen, Hart, Graves, and Simpson, with many of their virtuous companions in arms, will live in the esteem and affection of mankind, and their catastrophe be deplored, whilst the name of Proctor, branded with eternal infamy, will only survive to be the scorn and derision of the world. Far be it from me, sir, to cherish a sentiment of unforgiving hostility towards any of those British officers or soldiers who have waged the recent contest against us, with a due regard to the principles and usages of civilized warfare. Among these, sir, doubtless were many examples of brave, humane, and honorable men. But surely the generous Briton must blush and feel humiliated at the recollection, that the same country which gave birth to a Sidney, a Russell, a Chatham, and a Howard, should also have produced a Proctor. Whilst the heart sickens over the consideration of his murderous malignity, it is torn with anguish from the remembrance of its direful consequences. It is known, sir, that in January, 1813, Frenchtown, and its contiguous settlements, were menaced by a savage foe. The inhabitants manifested their fearful apprehensions, and solicited from our army aid and protection. General Winchester, with a force of about seven hundred and fifty men, chiefly volunteers from the State of Kentucky, among whom were many of her most favorite sons, promptly repaired to this quarter, to defend the inhabitants from that promiscuous carnage in which this species of enemy indulge. That, on the 22d day of the month, above 1,000 British and Indians, the latter headed by Roundhead and Splitlog, and all under the command of General Proctor, attacked this Spartan band. They successfully repelled, for a considerable time, the furious assaults of the enemy, and nobly sustained the honor of the country in the unequal conflict. But, sir, the most wise and gallant efforts, whilst they challenge our admiration, are not always crowned with success.

Terrors and fair promises were held out by General Proctor to our troops. They were told by him that, in case they did not surrender, he could not be responsible for the conduct of the Indians, and that Frenchtown would be burned. They were, moreover, promised by him, that, if they would surrender, they should not be murdered; that they should not be rifled of their private effects, and that the officers

should have their side arms returned, and, under these delusive promises, they did surrender; and with what faith these engagements were regarded is too well known. Here we have an awful manifestation of the deplorable ruins of the fall, and another distressing proof of the wretched depravity of man. The surviving prisoners were put under the charge of Indians, to be marched to Malden. But few ever arrived at the place of destination; many were wantonly massacred on the way, and others carried off by the Indians, and made the degraded objects of an abominable traffic.

The houses containing the sick and wounded were burned, and the rites of sepulture, from an affected fear of offending the Indians, were refused to our slaughtered citizens. This last act of friendship and of duty was, however, performed to some, in the face of every peril, by the humane inhabitants of this ill-fated region. I have said, sir, that many of our captive citizens were made the degraded objects of an abominable traffic. Yes, sir, Americans, our brethren, rendered dear to us by a thousand sacred ties, were publicly hawked about the roads and streets, to gratify the cupidity, & afford the means of indulging the beastly appetites of their savage masters. In view of the complicated misery our troops were suffering, and would continue to endure in barbarian captivity, the citizens in and about Detroit, obeying the voice of humanity, and the dictates of benevolent feelings, purchased numbers of them from the Indians. Some of the inhabitants who engaged in this laudable work, are, I understand, in limited circumstances, and stand in need of being remunerated for these expenditures. The ladies, ever pre-eminent in acts of kindness and charity, displayed the distinguishing perfections of their character upon this mournful occasion. They cheerfully parted with their personal ornaments, and with many articles of clothing, to redeem from the most deplorable slavery their brave but unfortunate defenders. In thus purchasing redemption, sir, for our captives, the inhabitants anticipated the Government in the discharge of an imperious duty, which it certainly would have performed. Sound policy, which is always founded in justice, demands that the Government should indemnify the class of citizens of which I have spoken. It cannot wish them longer to sustain those losses, which ought to be borne by the nation. It is proper to mention, sir, upon this subject, what I am informed has lately been ascertained, that even at this moment one of our citizens, taken prisoner at the river Raisin, is held in cruel bondage by an Indian in the upper province of Canada.

Sir, I cannot suppress the effusions of my sensibility, when I reflect on the various and aggravated evils which those of certain portions of our frontier have suffered in the course of the late war. Legislate as far as you can, with a view to their alleviation, and they will have eventually sustained its calamities in an undue

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proportion, with those of the interior. Under these impressions, sir, I indulge a hope that the resolution may be adopted, and that the important subject it involves may be prosecuted to an honorable and beneficial result.

Mr. C. then moved the following resolution :

Resolved, That the Military Committee be instructed to inquire into the expediency of making provision, by law, to remunerate those who, in the late war, redeemed (by purchase) our captive officers and soldiers from the Indians, and of making such provision as may be deemed expedient, to redeem those now in captivity."

The resolution was adopted without debate or opposition.

Revolutionary History.

The resolution from the Senate to authorize the President of the United States to employ Colonel John Trumbull to compose and execute four paintings of the principal events of the Revolutionary contest, (to be placed in the Capitol,) was taken up, and ordered to be read a third time, without opposition.

The resolution was accordingly read a third time, and, on the question of its passage, a debate arose, interesting, amusing, and instructive. The general features of the debate must suffice.

The object of the resolution was opposed by Messrs. FORSYTH, ROSS, ROBERTSON, TAYLOR of New York, and HARDIN; and advocated by Messrs. CALHOUN, WRIGHT, HOPKINSON, HARRISON, RANDOLPH, H. NELSON, and GROSVENOR.

The talents of the artist were acknowledged on all hands, and the excellence of those paintings, exhibited as the models from which the large paintings are to be taken, was generally admitted. *But, in opposition to the resolution, a variety of arguments were urged by different gentlemen, such as, that it was questionable how far it was just or proper for the Government of the United States to become the patron of the fine arts; that, if it were to do so, no such expense ought to be authorized until the faith of the Government was redeemed by the fulfilment of all its pecuniary obligations, nor until every debt was paid arising out of the war of the Revolution, or of the late war; that a nation, like individuals, should be just before it was generous; that the subjects of the paintings not being particularized, they might not be such as Congress would approve; that to authorize these paintings, for the decoration of the Capitol, before it was known whether they could be properly displayed there, would be to act like the Vicar of Wakefield's family, who were grouped in a picture so large, that, when it was brought home, the house would not hold it; that, generally, in the countries where they had been brought to the highest perfection, paintings and statuary, in commemoration of liberty and of great events, had no perceptible effect in preserving the liberty and independence of those nations; and the rights and liber-

ties of this nation depended on no such paltry considerations as these.

In reply to which it was argued, that it was not proposed by this resolve to make the Government the patron of the fine arts, otherwise than it had already been in employing artists to rebuild and embellish the Capitol; that the expense would be small comparatively with expenses incurred in decorations of infinitely less importance, and small indeed compared with the magnitude of the object; that the Government had performed its obligations as far as it could, had paid its debts, had been just, and might therefore be generous, since generosity and justice were not incompatible; that the moral effect of these paintings would be, independent of their intrinsic worth, of great value to the present and future generations, serving to recall to the attention of future legislators the events and principles of the Revolution, and to impel them to an imitation of the virtues of the men of those days; that the time now was, which once passed away could never be regained, when a living artist of great ability, and a compatriot of the Revolutionary sages and heroes, could transmit accurate likenesses of them to posterity, &c.

Mr. TAYLOR, of New York, moved to postpone the consideration of the resolution.—Negatived.

Mr. TAYLOR, of New York, then moved to recommit the resolution, with instructions to report a limitation to the expenditure of money for this object. This motion was also negatived.

The question on the passage of the resolution, was, after a long debate, decided in the affirmative—yeas 114, nays 50.

And then the House adjourned.

TUESDAY, January 28.

Bill for enforcing Neutrality.

The House then proceeded to the order of the day on the bill to repress private expeditions for warlike purposes, against powers in amity with the United States.

The bill being further amended, the question was then taken, "Shall the bill be engrossed and read a third time?" and passed in the affirmative—yeas 94, nays 60.

The bill was then ordered to a third reading to-morrow.

WEDNESDAY, January 29.

Another member, to wit, from the State of Ohio, JAMES KELBURN, appeared, produced his credentials, was qualified, and took his seat.

Bill for Enforcing Neutrality.

The engrossed bill to prohibit the sale of armed vessels, to be used against friendly powers, &c., was read the third time, and passed—ayes 88, noes 62.

THURSDAY, January 30.

Missouri Territory.

Mr. POPE offered for consideration the following resolutions:

"Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting or securing to the town of St. Louis, in the Missouri Territory, as a common, all the sand bar, or batture, formed by the recession of the Mississippi River between the said town and low water mark, and to prohibit the location of any floating claim in the said Territory thereon; or, if any location should have been made, to prohibit, by law, the issuing of a patent therefor.

"Resolved, also, That the Committee on the Public Lands be instructed to inquire into the expediency of prohibiting, by law, the location of any floating claim on any lands in the Territory of Missouri, the right of pre-emption to which land has been secured to any settler by the act of the 12th of April, 1814; or, if any such location should have been made, to prohibit, by law, the issuing of a patent therefor.

"Resolved, also, That the Committee on the Public Lands be instructed to inquire into the expediency of prohibiting, by law, the location of any floating claim in the Territory of Missouri, on any lands, the right, title, or claim to which has been at any time heretofore given notice of, or filed with either of the boards of commissioners in said Territory, or with the recorder of land titles, acting as such under any law of Congress for the adjustment of land titles in said Territory; or, if any such location should have been made, to prohibit, by law, the issuing of patents therefor.

"Resolved, also, That the Committee on the Public Lands be instructed to inquire into the expediency of prohibiting, by law, the location of any floating claim in the Territory of Missouri, on any town lot, village lot, out lot, or common field lot, or commons, in, adjoining, or appertaining to any of the towns or villages in the Territory of Missouri; or, if any such location shall have been made, to prohibit, by law, the issuing of patents therefor."

Mr. POPE explained the objects of these resolutions. In regard to the first, he said, that, under the law passed at a former session, (authorizing the transfer of land claims from the county of New Madrid to other vacant lands in the Missouri Territory,) an attempt had been made to appropriate a piece of land usually called batture, between high and low-water mark, the possession of which, in this manner obtained, would probably be extremely detrimental to the town of St. Louis, subjecting its prosperity to the will of the owner of that property. In regard to the second, it was predicated on the injustice of permitting pre-emption claims (already recognized by law) from being covered by other patents, &c. With respect to the third, he said that it involved a matter of more difficulty. The act of Congress for the settlement of land claims in the Missouri Territory made the decisions of the commissioners thereon final, when the claims should be favorably adjudged; when otherwise, the decisions were not final, but were referred by the act to the

decision of Congress, in respect to the question between the United States and the claimants. Congress not having yet legislated on the subject, the claims yet stood against the Government; and as in some cases the claims had been improperly rejected by the commissioners, it would not be proper to permit those who obtained the bounty of Government to locate their grants, in such a manner as to deprive such individuals of their rights. The fourth regarded town lots, which it would be injudicious and unfair to suffer individuals to locate claims on, &c.

The resolutions were adopted without objection.

TUESDAY, February 4.

Internal Improvement.

The House, on motion of Mr. CALHOUN, resolved itself into a Committee of the Whole, on the bill to set apart and pledge, as a permanent fund for internal improvement, the bonus of the National Bank, and the United States share of its dividends.

Mr. CALHOUN rose and observed, that it seemed to be the fate of some measures to be praised, but not adopted. Such, he feared, would be the fate of that on which we are now deliberating. From the indisposition manifested by the House to go into committee on the bill, there was not much prospect of its success: yet it seemed to him, when he reflected how favorable was the present moment, and how confessedly important a good system of roads and canals was to our country, he might reasonably be very sanguine of success. At peace with all the world, abounding in pecuniary means, and, what was of the most importance, and at what he rejoiced, as most favorable to the country, party and sectional feelings immersed in a liberal and enlightened regard to the general concerns of the nation—such, said he, are the favorable circumstances under which we are now deliberating. Thus situated, to what can we direct our resources and attention more important than internal improvements! What can add more to the wealth, the strength, and the political prosperity of our country! The manner in which facility and cheapness of intercourse, added to the wealth of a nation, had been so often and ably discussed by writers on political economy, that he presumed the House to be perfectly acquainted with the subject. It was sufficient to observe that every branch of national industry—agricultural, manufacturing, and commercial—was greatly stimulated and rendered by it more productive. The result is, said he, that it tends to diffuse universal opulence. It gives to the interior the advantages possessed by the parts most eligibly situated for trade. It makes the country price, whether in the sale of the raw product, or in the purchase of the articles for consumption, approximate to that of the commercial towns. In fact, if we look into the nature of

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wealth, we will find that nothing can be more favorable to its growth than good roads and canals. An article, to command a price, must not only be useful, but must be the subject of demand; and the better the means of commercial intercourse, the larger is the sphere of demand. The truth of these positions, said Mr. C., is obvious, and has been tested by all countries where the experiment has been made. It has particularly been strikingly exemplified in England, and if the result there, in a country so limited and so similar in its products, has been to produce a most uncommon state of opulence, what may we not expect from the same cause in our country, abounding as it does in the greatest variety of products, and presenting the greatest facility for improvements? Let it not be said that internal improvements may be wholly left to the enterprise of the States and of individuals. He knew, he said, that much might justly be expected to be done by them; but in a country so new and so extensive as ours, there is room enough, said he, for all the General and State Governments and individuals, in which to exert their resources. But many of the improvements contemplated, said Mr. C., are on too great a scale for the resources of the States or individuals; and many of such a nature, that the rival jealousy of the States, if left alone, might prevent. They required the resources and the general superintendence of this Government to effect and complete them.

But, said Mr. C., there are higher and more powerful considerations why Congress ought to take charge of this subject. If we were only to consider the pecuniary advantages of a good system of roads and canals, it might indeed admit of some doubt whether they ought not to be left wholly to individual exertions; but when we come to consider how intimately the strength and political prosperity of the Republic are connected with this subject, we find the most urgent reasons why we should apply our resources to them. In many respects, no country of equal population and wealth, possesses equal materials of power with ours. The people, in muscular power, in hardy and enterprising habits, and in a lofty and gallant courage, are surpassed by none. In one respect, and, in my opinion, in one only, are we materially weak. We occupy a surface prodigiously great in proportion to our numbers. The common strength is brought to bear with great difficulty on the point that may be menaced by an enemy. It is our duty, then, as far as in the nature of things it can be effected, to counteract this weakness. Good roads and canals judiciously laid out, are the proper remedy. In the recent war, how much did we suffer for the want of them! Besides the tardiness and the consequential inefficiency of our military movements, to what an increased expense was the country put for the article of transportation alone! In the event of another war, the saving in this particular would go far towards indemnifying

us for the expense of constructing the means of transportation.

It is not, however, in this respect only, that roads and canals add to the strength of the country. Our power of raising revenue, in war particularly, depends, said he, mainly on them. In peace our revenue depends principally on the imposts, in war this source, in a great measure, fails, and internal taxes, to a great amount, become necessary. Unless the means of commercial intercourse are rendered much more perfect than they now are, we shall never be able in war to raise the necessary supplies. If taxes were collected in kind; if, for instance, the farmer and mechanic paid in their surplus produce, then the difficulty would not exist, as, in no country on earth, is there so great a surplus, in proportion to its population, as in ours. But such a system of taxes is impossible. They must be paid in money; and, by the constitution, must be laid uniformly. What, then, is the effect? The taxes are raised in every part of this extensive country, uniformly; but the expenditure must, in its nature, be principally confined to the scene of military operations. This drains the circulating medium from one part, and accumulates it in another, and perhaps a very distant one. The result, said he, is obvious. Unless it can return through the operation of trade, the parts from which the constant drain takes place must ultimately be impoverished. Commercial intercourse is the true remedy to this weakness; and the means by which that is to be effected, are roads, canals, and the coasting trade. On these, combined with domestic manufactures, does the moneyed capacity of this country, in war, depend. Without them, not only will we be unable to raise the necessary supplies, but the currency of the country must necessarily fall into the greatest disorder—such as we lately experienced.

But on this subject of national power, what, said Mr. C., can be more important than a perfect unity in every part, in feelings and sentiments? And what can tend more powerfully to produce it, than overcoming the effects of distance? No country, enjoying freedom, ever occupied any thing like as great an extent of country as this Republic. One hundred years ago, the most profound philosophers did not believe it to be even possible. They did not suppose it possible that a pure Republic could exist on as great a scale even as the Island of Great Britain. What then was considered as chimerical, said Mr. C., we now have the felicity to enjoy; and, what is most remarkable, such is the happy mould of our Government, so well are the State and general powers blended, that much of our political happiness draws its origin from the extent of our Republic. It has exempted us from most of the causes which distracted the small Republics of antiquity. Let it not, however, be forgotten, let it, said he, be forever kept in mind, that it exposes us to the greatest of all calamities, next to the loss of liberty, and even to that in its consequence—dis-

union. We are great, and rapidly—he was about to say fearfully—growing. This, said he, is our pride and danger—our weakness and our strength. Little, said Mr. C., does he deserve to be intrusted with the liberties of this people, who does not raise his mind to these truths. We are under the most imperious obligation to counteract every tendency to disunion. The strongest of all cements is, undoubtedly, the wisdom, justice, and, above all, the moderation of this House; yet the great subject on which we are now deliberating, in this respect, deserves the most serious consideration. Whatever, said Mr. C., impedes the intercourse of the extremes with this, the centre of the Republic, weakens the Union. The more enlarged the sphere of commercial circulation, the more extended that of social intercourse, the more strongly are we bound together, the more inseparable are our destinies. Those who understand the human heart best, know how powerfully distance tends to break the sympathies of our nature. Nothing, not even dissimilarity of language, tends more to estrange man from man. Let us then, said Mr. C., bind the Republic together with a perfect system of roads and canals. Let us conquer space. It is thus the most distant parts of the Republic will be brought within a few days travel of the centre; it is thus that a citizen of the West will read the news of Boston still moist from the press. The mail and the press, said he, are the nerves of the body politic. By them the slightest impression made on the most remote parts, is communicated to the whole system; and the more perfect the means of transportation, the more rapid and true the vibration. To aid us in this great work, to maintain the integrity of this Republic, we inhabit a country presenting the most admirable advantages. Belted around, as it is, by lakes and oceans, intersected in every direction by bays and rivers, the hand of industry and art is tempted to improvement. So situated, said he, blessed with a form of Government at once combining liberty and strength, we may reasonably raise our eyes to a most splendid future, if we only act in a manner worthy of our advantages. If, however, neglecting them, we permit a low, sordid, selfish, and sectional spirit, to take possession of this House, this happy scene will vanish. We will divide, and in its consequences will follow misery and despotism.

To legislate for our country, said Mr. C., requires not only the most enlarged views, but a species of self-devotion not exacted in any other. In a country so extensive, and so various in its interests, what is necessary for the common good, may apparently be opposed to the interest of particular sections. It must be submitted to as the condition of our greatness. But were we a small Republic, were we confined to the ten miles square, the selfish instincts of our nature might, in most cases, be relied on in the management of public affairs.

Such, then, being the obvious advantages of in-

ternal improvements, why, said Mr. C., should the House hesitate to commence the system? He understood there were, with some members, constitutional objections. The power of Congress is objected to—first, that they have none to cut a road or canal through a State, without its consent; and next, that the public money can only be appropriated to effect the particular powers enumerated in the constitution. The first of these objections, it is plain, does not apply to this bill. No particular road or canal is proposed to be cut through any State. The bill simply appropriates money to the general purposes of improving the means of communication. When a bill is introduced to apply the money to a particular object in any State, then, and not till then, will the question be fairly before us. Mr. C. gave no opinion on this point. In fact, he scarcely thought it worth the discussion, since the good sense of the States might be relied on. They will, in all cases, readily yield their assent. The fear is in a different direction; in a too great solicitude to obtain an undue share to be expended within their respective limits. In fact, he said, he understood that this was not the objection insisted on. It was mainly urged that the Congress can only apply the public money in execution of the enumerated powers. He was no advocate for refined arguments on the constitution. The instrument was not intended as a thesis for the logician to exercise his ingenuity on. It ought to be construed with plain, good sense; and what can be more express than the constitution on this very point? The first power delegated to Congress, is comprised in these words: "To lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States." First—the power is given to lay taxes; next, the objects are enumerated to which the money accruing from the exercise of this power may be applied; to pay the debts, provide for the common defence, and promote the general welfare; and last, the rule for laying the taxes is prescribed—that all duties, imposts, and excises, shall be uniform. If the framers had intended to limit the use of the money to the powers afterwards enumerated and defined, nothing could be more easy than to have expressed it plainly. He knew it was the opinion of some, that the words "to pay the debts, and provide for the common defence and general welfare," which he had just cited, were not intended to be referred to the power of laying taxes, contained in the first part of the section, but that they are to be understood as distinct and independent powers, granted in general terms; and are gratified by a more detailed enumeration of powers in the subsequent part of the constitution. If such were in fact the meaning, surely nothing can be conceived more bungling and awkward than the manner in which the framers have communicated their

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intention. If it were their intention to make a summary of the powers of Congress in general terms, which were afterwards to be particularly defined and enumerated, they should have told us so plainly and distinctly; and if the words "to pay the debts, and provide for the common defence and general welfare," were intended for this summary, they should have headed the list of our powers, and it should have been stated, that to effect these general objects, the following specific powers were granted. He asked the members to read the section with attention, and it would, he conceived, plainly appear that such could not be the intention. The whole section seemed to him to be about taxes. It plainly commenced and ended with it, and nothing could be more strained than to suppose the intermediate words "to pay the debts, and provide for the common defence and general welfare," were to be taken as independent and distinct powers. Forced, however, as such a construction was, he might admit it, and urge that the words do constitute a part of the enumerated powers. The constitution, said he, gives to Congress the power to establish post-offices and post-roads. He knew the interpretation which was usually given to these words, confined our power to that of designating only the post-roads; but it seemed to him that the word "establish," comprehended something more. But, suppose the constitution to be silent, said Mr. C., why should we be confined in the application of money to the enumerated powers? There is nothing in the reason of the thing, that he could perceive, why it should be so restricted; and the habitual and uniform practice of the Government coincided with his opinion. Our laws are full of instances of money appropriated without any reference to the enumerated powers. We granted, by a unanimous vote, or nearly so, fifty thousand dollars to the distressed inhabitants of Caracas, and a very large sum, at two different times, to the Saint Domingo refugees. If we are restricted in the use of our money to the enumerated powers, on what principle, said he, can the purchase of Louisiana be justified? To pass over many other instances, the identical power which is now the subject of discussion, has, in several instances, been exercised. To look no further back, at the last session a considerable sum was granted to complete the Cumberland road. In reply to this uniform course of legislation, Mr. C. expected it would be said, that our constitution was founded on positive and written principles, and not on precedents. He did not deny the position; but he introduced these instances to prove the uniform sense of Congress, and the country, (for they had not been objected to,) as to our powers; and surely, said he, they furnish better evidence of the true interpretation of the constitution, than the most refined and subtle arguments.

Let it not be urged, that the construction for which he contended, gave a dangerous extent to the powers of Congress. In this point of

view, he conceived it to be more safe than the opposite. By giving a reasonable extent to the money power, it exempted us from the necessity of giving a strained and forced construction to the other enumerated powers. For instance, he said, if the public money could be applied to the purchase of Louisiana, as he contended, then there was no constitutional difficulty in that purchase; but, if it could not, then were we compelled either to deny that we had the power to purchase, or to strain some of the enumerated powers to prove our right. It had, for instance, been said, that we had the right to purchase, under the power to admit new States—a construction, he would venture to say, far more forced than the one for which he contended. Such are my views, said he, on our right to pass this bill.

He believed that the passage of the bill would not be much endangered by a doubt of the power, as he conceived on that point there were not many who were opposed. The mode is principally objected to. A system, it is contended, ought to be presented before the money is appropriated. He thought differently. To set apart the fund appeared to him to be naturally the first act; at least he took it to be the only practicable course. A bill filled with details would have but a faint prospect of passing. The enemies to any possible system in detail, and those who are opposed in principle, would unite and defeat it. Though he was unwilling to incorporate details in the bill, yet he was not adverse to presenting his views on that point. The first great object was to perfect the communication from Maine to Louisiana. This might be fairly considered as the principal artery of the whole system. The next was the connection of the Lakes with the Hudson River. In a political, commercial, and military point of view, few objects could be more important. The next object of chief importance was to connect all the great commercial points on the Atlantic, Philadelphia, Baltimore, Washington, Richmond, Charleston, and Savannah, with the Western States; and, finally, to perfect the intercourse between the West and New Orleans. These seemed to him to be the great objects. There were others, no doubt of great importance, which would receive the aid of Government. The fund proposed to be set apart in this bill was about six hundred and fifty thousand dollars a year, which was doubtless too small to effect such great objects of itself; but it would be a good beginning; and he had no doubt, when it was once begun, the great work will be finished. If the bill succeeds at the next session, the details can be arranged, and the system commenced. He could not consider those who objected merely to the mode to be very hearty in favor of the system. Every member must know that in all great measures it is necessary to concede something—as it is impossible to make all think alike in the minutiae of the measure who are agreed in principle. A deep conviction of the importance of

the thing itself is almost sure to be accompanied with a liberal spirit of concession. The committee who introduced this bill gave it the shape in their opinion the most proper in itself and the most likely to succeed. If it cannot pass in its present form and under the present circumstances, it is certainly very doubtful whether it ever will. He felt a deep solicitude in relation to it. He was anxious that this Congress should have the reputation of it, and he was the more so, on account of the feelings which had been created against it. No body of men, in his opinion, ever better merited the confidence of the country than this Congress. For wisdom, firmness, and industry, it had never been excelled. To its acts he appealed for the truth of his assertions. The country already began to experience the benefit of its foresight and firmness. The diseased state of the currency, which many thought incurable, and most thought could not be healed in so short a time, begins to exhibit symptoms of speedy health. Uninfluenced by any other considerations than love of country and duty, said he, let us add this to the many useful measures already adopted. The money cannot be appropriated to a more exalted use. Every portion of the community, the farmer, mechanic, and merchant, will feel its good effects; and, what is of the greatest importance, the strength of the community will be augmented, and its political prosperity rendered more secure.

Mr. PICKERING said he did not admit the latitude of construction given by the gentleman from South Carolina, (Mr. CALHOUN,) who introduced the bill, to the terms of the constitution which he had quoted. Congress had power "to lay and collect taxes, duties, imposts, and excises"—for what purpose? in order "to pay the debts and provide for the common defence and general welfare of the United States." Hence, the gentleman inferred, that as public roads and canals would promote the general welfare, therefore Congress had power to make roads and canals. If this interpretation of the constitution be correct, then the subsequent enumeration of powers to be exercised by Congress was superfluous; for the terms "to provide for the general welfare," would embrace the following enumerated powers, and every other imaginable power, the exercise of which would promote the "general welfare." The object for which the constitution was ordained, is explicitly declared to be "to promote the general welfare;" and the like words at the head of the specified powers appeared to Mr. P. as intended to mark the line within which the powers expressed or fairly implied should be exercised: they must all have for their object the "general welfare." Then follows the enumeration of the powers granted to Congress; all of which are manifestly calculated "to promote the general welfare." From the specific powers granted to Congress "to establish post-offices and post-roads," the gentleman from South Carolina had inferred, that Congress had power

to make roads, on which the post-riders might travel. This construction Mr. P. believed to be altogether erroneous. He remembered that the supposition, that Congress might, under that clause, exercise the power of making roads, in any State, and where they pleased, was offered as a serious objection to the adoption of the constitution in the Convention of Pennsylvania, of which Mr. P. (then living in that State) was a member. And his recollection was probably the more perfect, because he answered the objections, observing that the power "to establish post-offices and post-roads," could intend no more than the power to direct where post-offices should be kept, and on what roads the mails should be carried; and this answer appeared then to be entirely satisfactory.

But while the gentleman from South Carolina was speaking, it had occurred to Mr. P. that if Congress had the power to make roads and canals, it must necessarily be an implied one, and under the express power "to regulate commerce with foreign nations and among the several States, and with the Indian tribes." To give facility and safety to foreign commerce, and to that between the several States, in what is called the coasting trade, Congress had caused light-houses and beacons to be erected, piers in rivers to be constructed, and the coast to be surveyed, to ascertain and mark dangerous shoals. But commerce (which consisted in the exchange of commodities) was carried on by land, as well as by water; and if Congress, under the clause for regulating commerce, could rightfully do, what, from the formation of the Government, they had been doing and without a single objection—erecting light-houses, beacons, and piers, to give facility and safety to commerce by water; why should they not exercise the like power to facilitate, secure, and render less expensive, by means of roads and canals, the commerce *by land*? This, as it had occurred, Mr. P. suggested for consideration.

Mr. ROOT proceeded to support his motion, (to strike out the words "roads and,") and said, if the national resources were to be directed to the internal improvement of the country, let them be applied to objects the least interfering with State policy, with State rights and sovereignty, and the best calculated to promote the general welfare and to aid in the regulation of commerce. These provisions in the constitution he presumed would chiefly be relied on as giving power to Congress to act at all upon these subjects. It would hardly be pretended, he said, that the authority to establish post-offices confers the power to lay out and work roads in despite of State regulations. The construction of roads is a municipal regulation, generally much more limited in its operation than the confines of a State. Except in some great leading roads, the convenience of counties and towns and even of neighborhoods, is, and ought to be, chiefly consulted. Roads, said Mr. R., even great leading ones, are used more by the inhabitants of their vicinity than by

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travellers from a distance. Not so with canals. They may connect distant States; unite in commercial connections remote parts of the nation, and chain them together in bands not to be severed by ambition or faction. The distant boatman, the distant merchant, make use of the canal, and by that means enhance the value of the farmer's produce, and reduce the price of merchandise necessary for his comfort. The inhabitants of its immediate vicinity derive no material advantages from it which are not shared in nearly an equal degree by their more remote neighbors, unless, as sometimes may happen, a village or town shall spring up in consequence. Canals are therefore, said he, more properly an object of national regard. Let your surplus treasure, Mr. Chairman, for it would seem that you have much of it, and I shall not urge the more rapid reduction of the public debt, nor the repeal of any of the taxes at this time; let your surplus treasure destined by this bill, not to be wasted, I hope, but to the achievement of great schemes of national grandeur, be directed exclusively to the construction of canals. Gentlemen, said Mr. R., may suppose that I have my eye directed to the contemplated great canal to connect the waters of the upper lakes with those of the Hudson River. I have, sir, I candidly confess, I have. If we are to go on in this way; if we are to expend the national resources on objects of this kind, said he, without waiting to examine our constitutional powers, I wish to see a great national work accomplished; to see the waters of the Lakes connected with the Hudson and the Mississippi, Michigan with the Wisconsin and the Illinois, and Erie with the Wabash and Ohio. The intercourse between the Eastern and Western States might then form a ligature and a cement which no Hartford Convention could ever dissolve.

Mr. R. proceeded to show that a fund set apart for the construction of roads would not only operate very unequally upon different States, but might prove prejudicial to the roads themselves. From what he had heard stated, he said, he presumed that the first object was the great leading post-road from Portland to Savannah, and perhaps he might say from Wiscasset, or even the bay of Passamaquoddy to St. Mary's. This road, he said, was already made from Wilmington in Delaware, to Portland in Maine, and he believed still further eastward. It is generally turnpiked, and by-incorporated companies, who own the road, receive a toll, and are bound to keep it in repair. Will those corporations, he asked, permit you to apply any portion of your fund on their roads, under your direction, and without their consent? They might thank you for the money, but never permit you to lessen their tolls, nor to work upon the roads, unless corresponding with their wishes and under their direction. If you were to attempt to lay out a new road, or to assume to yourselves the present one, I imagine, said Mr. R., that you would find your-

self unequal to the task of its execution. An assessment of damages to individuals or corporations, by authorities under your control, and an enforcement of your assumed powers, might meet with some little obstacle from State obstinacy, if you please, and eventually induce you to believe that you had nothing to do with the subject. Your money and your tolls, authority and all, would then sink into one common grave.

A good road from Baltimore, said Mr. R., to this Metropolis, is nearly completed. The art of constructing turnpike roads, and he might say science, too, for it was reduced to a science, was travelling, like empire, from the East to the West, and to the Southwest. It would presently find its way, aided by "the wise men of the East," from this city even through Virginia, the Carolinas, and Georgia. The enterprise of individuals and corporations, of capitalists, under the fostering care of State Legislatures, already wise, but daily becoming more so, will eventually effect the object.

Mr. CLAY (Speaker) observed, that it was not his intention to enter into the general discussion of the subject; he wished only to say that he had long thought that there were no two subjects which would engage the attention of the National Legislature more worthy of its deliberate consideration, than those of internal improvements and domestic manufactures. He rose, however, principally to express his thanks to the honorable member from South Carolina (Mr. CALHOUN) for bringing this bill before Congress, and for the able and luminous view which he had submitted to the committee, of the importance and utility of internal improvements, and to oppose the amendment proposed by the gentleman from Louisiana. He conceived the first and only step necessary to be taken at the present session, was to set apart and make an inviolable pledge of the fund. If we attempt any thing beyond this; if we touch the details; if we go into a specification of the objects on which the fund is to be expended, the inevitable effect will be, that we shall do nothing. Whether it was better to establish a board for the appropriation of the fund, or to distribute it among the several States, and what were the national objects which demand its application, were posterior questions, which ought to be discussed and decided hereafter.

Mr. C. said that, as to the constitutional point which had been made, he had not a doubt on his mind; but it was not necessary, in his judgment, to embarrass the passage of the bill with the argument of that point at this time. It was a sufficient answer, to say that the power was not now to be exercised. It was proposed merely to designate the fund, and, from time to time, as the proceeds of it came in, to invest them in the funded debt of the United States. It would thus be accumulating; and Congress could, at some future day, examine into the constitutionality of the question; and, if it has the power, it would exercise it; if it has not,

the constitution, there could be very little doubt, would be so amended as to confer it. It was quite obvious, however, that Congress might so direct the application of the fund, as not to interfere with the jurisdiction of the several States, and thus avoid the difficulty which had been started. It might distribute it among those objects of private enterprise which called for national patronage, in the form of subscriptions to the capital stock of incorporated companies, such as that of the Delaware and Chesapeake Canal, and other similar institutions. Perhaps that might be the best way to employ the fund; but he repeated, that this was not the time to go into that inquiry.

With regard to the general importance of the proposition—the effect of internal improvements in cementing the Union—in facilitating internal trade—in augmenting the wealth and the population of the country, he would not consume the time of the committee in discussing those interesting topics, after the able manner in which they had been treated by his friend from South Carolina. In reply to those who thought that internal improvements had better be left to the several States, he would ask, he would put it to the candor of every one, if there were not various objects in which many States were interested, and which, requiring therefore joint co-operation, would, if not taken up by the General Government, be neglected, either for the want of resources, or from the difficulty of regulating their respective contributions? Such was the case with the improvement of the navigation of the Ohio at the rapids; the canal, from the Hudson to the Lakes; the great turnpike road parallel with the coast, from Maine to Louisiana. These, and similar objects, were stamped with a national character; and they required the wisdom and the resources of the nation to accomplish them. No particular State felt an individual interest sufficient to execute improvements of such magnitude. They must be patronized, efficaciously patronized, by the General Government, or they never would be accomplished.

The practical effect of turnpike roads in correcting the evil, if it be one, of the great expansion of our Republic, and in conquering space itself, as was expressed by the gentleman from South Carolina, is about to be demonstrated by the great turnpike road from Cumberland to Wheeling. That road is partially executed, and will probably be completed in about three years. In the mean time, Maryland is extending a line of turnpike roads from Baltimore to Cumberland, which is also partially finished, and will be completed in the same period. Three years from the present time, we shall have a continued line of turnpike roads from Baltimore to Ohio. The ordinary time requisite to travel from Wheeling to Baltimore, prior to the erection of these roads, was eight days. When the roads are completed, the same journey may be performed in three days. The distance, in effect, between those two points, will

be diminished in the proportion of five-eighths, or, in other words, they will be brought five days nearer to each other. Similar results will follow wherever this species of improvement is effected. My friend from Louisiana says, his State wants no roads. Does she want no levees? But Mr. C. conceived that no State was more interested in the making of good roads. The most vulnerable to a foreign enemy of all the points of our country, Louisiana is, at the same time, the most dependent upon the other parts of the Union for the means of her defence. Is she not, therefore, deeply interested in multiplying the channels by which these means may be transported to her? If two great roads, the one following the valley of the Ohio, and that of the Mississippi; and the other, the maritime coast, shall terminate at New Orleans, will not the security of Louisiana be greatly increased?

Mr. C. owned that he felt anxiously desirous for the success of this measure. He was anxious, from its intrinsic merits, from his sincere conviction of its tendency greatly to promote the welfare of our common country. He was anxious, from other, perhaps more selfish, considerations. He wished the Fourteenth Congress to have the merit of laying the foundations of this great work. He wished this Congress, who, in his opinion, had so many other just grounds for the national approbation, notwithstanding the obloquy which had attended a single unfortunate measure, to add this new claim to the public gratitude. He even anticipated pleasure from the reflection, distant as it might be, that the traveller, as he comfortably prosecutes his journey on some road, or glides down on some canal, erected in virtue of this bill, will say, I owe this facility, this convenience, to the providence and sagacity of the Fourteenth Congress. But, Mr. C. said, he must repress his feelings on this subject. He had risen to oppose the amendment. Let us leave details to our successors. We cannot accomplish every thing at once. Like the objects of the bill, our measures must be necessarily progressive. Every thing is hazarded by encumbering the bill with too much detail. Indeed, he doubted whether we had a sufficient stock of local information yet collected, to guide our judgments in designating the various objects of internal improvement which may require the fostering care of the General Government. Let us provide the ways and means. Let our successors judiciously apply them. He would vote against the amendment.

Mr. WAGNER's motion to strike out the first section, was decided in the negative—ayes 61, noes 70. The committee then rose and reported the bill to the House; and the House adjourned.

SATURDAY, February 8.

Internal Improvement.

The engrossed bill to set apart and pledge, as

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Colonization of Free Negroes.

[H. OF R.]

a fund for internal improvement, the bonus and United States share of the dividends of the National Bank, was read the third time, and the question stated, "Shall the bill pass?"

Mr. RANDOLPH rose and spoke nearly three hours in opposition.

Mr. SHEFFEY stated the reasons which would prevent his voting for the bill.

Mr. CALHOUN advocated the bill, and replied to Mr. RANDOLPH and others.

Mr. SMITH, of Maryland, and Mr. WRIGHT, successively renewed their opposition to the bill; and Mr. CALHOUN again spoke in its support.

The question was then taken on the passage of the bill, and decided in the affirmative—yeas 86, nays 84, as follows:

YEAS.—Messrs. Adgate, Alexander, Avery, Baker, Bateman, Betts, Birdsall, Birdseye, Breckenridge, Brooks, Cady, Caldwell, Calhoun, Chappell, Clark of New York, Clendennin, Comstock, Condict, Conner, Creighton, Crocheron, Culpeper, Darlington, Findlay, Forsyth, Gaston, Glasgow, Gold, Griffin, Grosvenor, Hahn, Hall, Hammond, Harrison, Heister, Hendricks, Hopkinson, Huger, Hulbert, Ingham, Irving of New York, Jackson, Johnson of Kentucky, Kent, Kerr of Virginia, Little, Love, Lovett, Lumpkin, Lyle, William P. Maclay, McKee, Middleton, Milnor, Moffitt, Moore, Murfree, J. Nelson, Newton, Ormsby, Peter, Pickens, Pickering, Powell, Ross, Savage, Schenck, Sharpe, Smith of Pennsylvania, Smith of Virginia, Tate, Taylor of New York, Taylor of South Carolina, Telfair, Townsend, Wallace, Webster, Wendover, Whiteside, Wilde, Wilkin, Willoughby, Thomas Wilson, William Wilson, Yancey, and Yates.

NAYS.—Messrs. Adams, Archer, Atherton, Baer, Barbour, Bassett, Baylies, Bennett, Blount, Boss, Bradbury, Brown, Bryan, Burwell, Cannon, Carr of Massachusetts, Champion, Cilley, Clarke of North Carolina, Clayton, Cook, Cooper, Crawford, Davenport, Desha, Dickens, Edwards, Fletcher, Goldsborough, Goodwyn, Hale, Hardin, Hawes, Hooks, Hungerford, Irwin of Pennsylvania, Jewett, Johnson of Virginia, King, Langdon, Law, Lowndes, Lyon, William Maclay, Marsh, Mason, McCoy, McLean, Miller, Mills, Hugh Nelson, Thos. M. Nelson, Noyes, Parris, Piper, Pitkin, Pleasants, Randolph, Reed, Rice, Roane, Robertson, Root, Ruggles, Smith of Maryland, Southard, Stearns, Strong, Stuart, Sturges, Taggart, Tallmadge, Taul, Thomas, Tyler, Vose, Ward of Massachusetts, Ward of New York, Ward of New Jersey, Wheaton, Wilcox, Williams, Woodward, and Wright.

So the bill was passed.

TUESDAY, February 11.

Mr. JACKSON from the committee yesterday appointed on that subject, reported the following resolution, which was read, considered, and agreed to, by the House:

"Resolved, That the two Houses shall assemble in the Chamber of the House of Representatives on Wednesday next, at twelve o'clock: That two persons be appointed tellers, on the part of this House, to make a list of the votes as they shall be delivered. That the result shall be delivered to the President of the Senate, who shall announce the state of the vote,

and the persons elected, to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice President, and, together with a list of the votes, be entered on the Journal of the two Houses."

Messrs. JACKSON and PITKIN were appointed tellers on the part of this House.

On motion of Mr. JACKSON,

Ordered, That when the members of the Senate appear to-morrow, in the Chamber of this House, the President shall be conducted to the Chair of the Speaker; and that the Clerk of this House inform the Senate of these proceedings.

Colonization of Free Negroes.

Mr. PICKERING, from the Committee on the African Slave Trade, made a report on the petition of the President and Board of Managers of the American society for colonizing the free people of color of the United States, which was read; when Mr. P. reported a joint resolution concerning the abolition of the traffic in slaves, and colonizing free people of color on the Continent of Africa, which was read twice, and committed to a Committee of the Whole.

The report and resolution are as follow:

The committee to whom was referred the memorial of the President and Board of Managers of the "American Society for colonizing the free people of color of the United States," have had the same under their deliberate consideration. The subject is of such magnitude, and attended with so many difficulties, it is with much diffidence they present their views of it to the House.

Were it simply a question of founding a colony, numerous and well-known precedents show with what facility the work might be accomplished. Every new Territory established by our Government, constitutes indeed a colony, formed with great ease, because it is only an extension of homogeneous settlements. But in contemplating the colonization of the free people of color, it seemed obviously necessary to take a different course. Their distinct character and relative condition render an entire separation from our own States and Territories indispensable. And this separation must be such as to admit of an indefinite continuance. Hence, it seems manifest that these people cannot be colonized within the limits of the United States. If they were not far distant, the rapidly extending settlements of our white inhabitants would soon reach them; and the evil now felt would be renewed, probably with aggravated mischief. Were the colony to be remote, it must be planted on lands now owned and occupied by the native tribes of the country. And could a territory be purchased, the transporting of the colonists thither would be vastly expensive, their subsistence for a time difficult, and a body of troops would be required for their protection. And after all, should these difficulties be overcome, the original evil would at length recur by the extension of our white population. In the mean time, should the colony so increase as to become a nation, it is not difficult to foresee the quarrels and destructive wars which would ensue, especially if the slavery of people of color should continue, and accompany the whites in their migrations.

Turning our eyes from our own country, no other adapted to the colony in contemplation presented itself to our view nearer than Africa, the native land

the constitution, there could be very little doubt, would be so amended as to confer it. It was quite obvious, however, that Congress might so direct the application of the fund, as not to interfere with the jurisdiction of the several States, and thus avoid the difficulty which had been started. It might distribute it among those objects of private enterprise which called for national patronage, in the form of subscriptions to the capital stock of incorporated companies, such as that of the Delaware and Chesapeake Canal, and other similar institutions. Perhaps that might be the best way to employ the fund; but he repeated, that this was not the time to go into that inquiry.

With regard to the general importance of the proposition—the effect of internal improvements in cementing the Union—in facilitating internal trade—in augmenting the wealth and the population of the country, he would not consume the time of the committee in discussing those interesting topics, after the able manner in which they had been treated by his friend from South Carolina. In reply to those who thought that internal improvements had better be left to the several States, he would ask, he would put it to the candor of every one, if there were not various objects in which many States were interested, and which, requiring therefore joint co-operation, would, if not taken up by the General Government, be neglected, either for the want of resources, or from the difficulty of regulating their respective contributions? Such was the case with the improvement of the navigation of the Ohio at the rapids; the canal, from the Hudson to the Lakes; the great turnpike road parallel with the coast, from Maine to Louisiana. These, and similar objects, were stamped with a national character; and they required the wisdom and the resources of the nation to accomplish them. No particular State felt an individual interest sufficient to execute improvements of such magnitude. They must be patronized, efficaciously patronized, by the General Government, or they never would be accomplished.

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be diminished in the proportion of five-eighths, or, in other words, they will be brought five days nearer to each other. Similar results will follow wherever this species of improvement is effected. My friend from Louisiana says, his State wants no roads. Does she want no levees? But Mr. C. conceived that no State was more interested in the making of good roads. The most vulnerable to a foreign enemy of all the points of our country, Louisiana is, at the same time, the most dependent upon the other parts of the Union for the means of her defence. Is she not, therefore, deeply interested in multiplying the channels by which those means may be transported to her? If two great roads, the one following the valley of the Ohio, and that of the Mississippi; and the other, the maritime coast, shall terminate at New Orleans, will not the security of Louisiana be greatly increased?

Mr. C. owned that he felt anxiously desirous for the success of this measure. He was anxious, from its intrinsic merits, from his sincere conviction of its tendency greatly to promote the welfare of our common country. He was anxious, from other, perhaps more selfish, considerations. He wished the Fourteenth Congress to have the merit of laying the foundations of this great work. He wished this Congress, who, in his opinion, had so many other just grounds for the national approbation, notwithstanding the obloquy which had attended a single unfortunate measure, to add this new claim to the public gratitude. He even anticipated pleasure from the reflection, distant as it might be, that the traveller, as he comfortably prosecutes his journey on some road, or glides down on some canal, erected in virtue of this bill, will say, I owe this facility, this convenience, to the providence and sagacity of the Fourteenth Congress. But, Mr. C. said, he must repress his feelings on this subject. He had risen to oppose the amendment. Let us leave details to our successors. We cannot accomplish every thing at once. Like the objects of the bill, our measures must be necessarily progressive. Every thing is hazarded by encumbering the bill with too much detail. Indeed, he doubted whether we had a sufficient stock of local information yet collected, to guide our judgments in designating the various objects of internal improvement which may require the fostering care of the General Government. Let us provide the ways and means. Let our successors judiciously apply them. He would vote against the amendment.

Mr. WRIGHT's motion to strike out the first section, was decided in the negative—ayes 61, noes 70. The committee then rose and reported the bill to the House; and the House adjourned.

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Mr. CALHOUN advocated the bill, and replied to Mr. RANDOLPH and others.

Mr. SMITH, of Maryland, and Mr. WRIGHT, successively renewed their opposition to the bill; and Mr. CALHOUN again spoke in its support.

The question was then taken on the passage of the bill, and decided in the affirmative—yeas 80, nays 84, as follows:

YEAS.—Messrs. Adgate, Alexander, Avery, Baker, Bateman, Betts, Birdsall, Birdseye, Breckenridge, Brooks, Cady, Caldwell, Calhoun, Chappell, Clark of New York, Clendennin, Comstock, Condict, Conner, Creighton, Crocheron, Culpeper, Darlington, Findlay, Forsyth, Gaston, Glasgow, Gold, Griffin, Grosvenor, Hahn, Hall, Hammond, Harrison, Heister, Hendricks, Hopkinson, Huger, Hulbert, Ingham, Irving of New York, Jackson, Johnson of Kentucky, Kent, Kerr of Virginia, Little, Love, Lovett, Lumpkin, Lyle, William P. Maclay, McKee, Middleton, Milnor, Moffitt, Moore, Murfree, J. Nelson, Newton, Ormsby, Peter, Pickens, Pickering, Powell, Ross, Savage, Schenck, Sharpe, Smith of Pennsylvania, Smith of Virginia, Tate, Taylor of New York, Taylor of South Carolina, Telfair, Townsend, Wallace, Webster, Wendover, Whiteside, Wilde, Wilkin, Willoughby, Thomas Wilson, William Wilson, Yancey, and Yates.

NAYS.—Messrs. Adams, Archer, Atherton, Baer, Barbour, Bassett, Baylies, Bennett, Blount, Boss, Bradbury, Brown, Bryan, Burwell, Cannon, Carr of Massachusetts, Champion, Cilley, Clarke of North Carolina, Clayton, Cook, Cooper, Crawford, Davenport, Desha, Dickens, Edwards, Fletcher, Goldsborough, Goodwyn, Hale, Hardin, Hawes, Hooks, Hungerford, Irwin of Pennsylvania, Jewett, Johnson of Virginia, King, Langdon, Law, Lowndes, Lyon, William Maclay, Marsh, Mason, McCoy, McLean, Miller, Mills, Hugh Nelson, Thos. M. Nelson, Noyes, Parris, Piper, Pitkin, Pleasants, Randolph, Reed, Rice, Roane, Robertson, Root, Ruggles, Smith of Maryland, Southard, Stearns, Strong, Stuart, Sturges, Taggart, Tallmadge, Taul, Thomas, Tyler, Vose, Ward of Massachusetts, Ward of New York, Ward of New Jersey, Wheaton, Wilcox, Williams, Woodward, and Wright.

So the bill was passed.

TUESDAY, February 11.

Mr. JACKSON from the committee yesterday appointed on that subject, reported the following resolution, which was read, considered, and agreed to, by the House:

"Resolved, That the two Houses shall assemble in the Chamber of the House of Representatives on Wednesday next, at twelve o'clock: That two persons be appointed tellers, on the part of this House, to make a list of the votes as they shall be delivered. That the result shall be delivered to the President of the Senate, who shall announce the state of the vote,

and the persons elected, to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice President, and, together with a list of the votes, be entered on the Journal of the two Houses."

Messrs. JACKSON and PITKIN were appointed tellers on the part of this House.

On motion of Mr. JACKSON,

Ordered, That when the members of the Senate appear to-morrow, in the Chamber of this House, the President shall be conducted to the Chair of the Speaker; and that the Clerk of this House inform the Senate of these proceedings.

Colonization of Free Negroes.

Mr. PICKERING, from the Committee on the African Slave Trade, made a report on the petition of the President and Board of Managers of the American society for colonizing the free people of color of the United States, which was read; when Mr. P. reported a joint resolution concerning the abolition of the traffic in slaves, and colonizing free people of color on the Continent of Africa, which was read twice, and committed to a Committee of the Whole.

The report and resolution are as follow:

The committee to whom was referred the memorial of the President and Board of Managers of the "American Society for colonizing the free people of color of the United States," have had the same under their deliberate consideration. The subject is of such magnitude, and attended with so many difficulties, it is with much diffidence they present their views of it to the House.

Were it simply a question of founding a colony, numerous and well-known precedents show with what facility the work might be accomplished. Every new Territory established by our Government, constitutes indeed a colony, formed with great ease, because it is only an extension of homogeneous settlements. But in contemplating the colonization of the free people of color, it seemed obviously necessary to take a different course. Their distinct character and relative condition render an entire separation from our own States and Territories indispensable. And this separation must be such as to admit of an indefinite continuance. Hence, it seems manifest that these people cannot be colonized within the limits of the United States. If they were not far distant, the rapidly extending settlements of our white inhabitants would soon reach them; and the evil now felt would be renewed, probably with aggravated mischief. Were the colony to be remote, it must be planted on lands now owned and occupied by the native tribes of the country. And could a territory be purchased, the transporting of the colonists thither would be vastly expensive, their subsistence for a time difficult, and a body of troops would be required for their protection. And after all, should these difficulties be overcome, the original evil would at length recur by the extension of our white population. In the mean time, should the colony so increase as to become a nation, it is not difficult to foresee the quarrels and destructive wars which would ensue, especially if the slavery of people of color should continue, and accompany the whites in their migrations.

Turning our eyes from our own country, no other adapted to the colony in contemplation presented itself to our view nearer than Africa, the native land

of negroes; and probably, that is the only country on the globe to which it would be practicable to transfer our free people of color with safety, and advantage to themselves and the civilized world. It is the country which, in the order of Providence, seems to have been appropriated to that distinct family of mankind. And while it presents the fittest asylum for the free people of color, it opens a wide field for the improvements in civilization, morals and religion, which the humane and enlightened memorialists have conceived it possible, in process of time, to spread over that great continent.

Should the measure suggested be approved, an important question occurs—In what way shall its execution be essayed?

A preliminary step would be, to provide for the perfect neutrality of the colony, by the explicit assent and engagement of all the civilized powers, whatever dissensions may at any time arise among themselves.

The next important question is—Will it be expedient to attempt the establishment of a new colony in Africa, or to make to Great Britain a proposal to receive the emigrants from the United States into her colony of Sierra Leone?

At Sierra Leone, the first difficulties have been surmounted, and a few free people of color from the United States have been admitted. A gradual addition from the same source (and such would be the natural progress) would occasion no embarrassment either in regard to their sustenance or government. Would the British Government consent to receive such an accession of emigrants, however eventually considerable, from the United States? Would that Government agree that, at the period when that colony shall be capable of self-government and self-protection, it shall be declared independent? In the mean time, will it desire to monopolize the commerce of the colony? This would be injurious to the colonists as well as to the United States. Should that country, from the nature of its soil and other circumstances, hold out sufficient allurements, and draw to it, from the United States, the great body of the free people of color, these would form its strength, and its ability to render its commerce an object of consideration. Now, as the great and permanent benefit of the colonists was the fundamental principle of the establishment, will the British Government decline a proposition calculated to give to that benefit the important extension which will arise from a freedom of commerce to those, at least, at whose expense, and by whose means, the colony shall be essentially extended? Should an agreement with Great Britain be effected, no further negotiation, nor any extraordinary expenditure of money, will be required. The work already commenced will be continued, simply of carrying to Sierra Leone all who are willing to embark.

It would seem highly desirable to confine the migrations to a single colony. The two distinct and independent colonies, established and protected by two independent powers, would naturally inbibe the spirit and distinctions of their patrons and protectors, and put in jeopardy the peace and prosperity of both. Even the simple fact of separate independence would eventually tend to produce collisions and wars between the two establishments, (unless, indeed, they were far removed from each other,) and perhaps defeat the further humane and exalted views of those who projected them. The spirit which animated the founders of the colony of Sierra Leone, would be exerted to effect a union of design and the cordial co-

operation of the British Government with our own; and, it might be hoped, not without success. It would be in accordance with the spirit of a stipulation in the last Treaty of Peace, by which the two Governments stand pledged to each other to use their best endeavors to effect the entire abolition of the traffic in slaves, while the proposed institution would tend to diminish the quantity of slavery actually existing.

If, however, such enlarged and liberal views should be wanting, then the design of forming a separate colony might be announced by the American Ministers to the maritime powers; and the guarantee of the neutrality of the colony obtained.

Your committee do not think it proper to pursue the subject any further at this time; but that the Government should wait the result of the suggested negotiations, on which ulterior measures must depend.

In conclusion, your committee beg leave to report a joint resolution, embracing the views hereinbefore exhibited.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the President be, and he is hereby, authorized to consult and negotiate with all the Governments where Ministers of the United States are, or shall be accredited, on the means of effecting an entire and immediate abolition of the traffic in slaves. And also, to enter into a convention with the Government of Great Britain, for receiving into the colony of Sierra Leone, such of the free people of color of the United States, as, with their own consent, shall be carried thither, stipulating such terms as shall be most beneficial to the colonists, while it promotes the peaceful interests of Great Britain and the United States. And should this proposition not be accepted, then to obtain from Great Britain, and the other maritime powers, a stipulation, or a formal declaration to the same effect, guaranteeing a permanent neutrality for any colony of free people of color, which, at the expense and under the auspices of the United States, shall be established on the African coast.

Resolved, That adequate provision shall hereafter be made to defray any necessary expenses which may be incurred in carrying the preceding resolution into effect.

WEDNESDAY, February 12.

Electoral Votes for President.

On motion of Mr. JACKSON, a message was sent to the Senate, informing them that the House of Representatives were ready to proceed, agreeably to the mutual resolution of yesterday, to open and count the votes for President and Vice President of the United States.

The Senate, soon after, entered the House of Representatives, preceded by their President, who was received by the Speaker at the Chair of the House, in which the President of the Senate took his seat, and the Speaker of the House beside him. The Tellers of the two Houses—Mr. MACON on the part of the Senate, and Mr. JACKSON and Mr. FITKIN on the part of the House of Representatives—occupied seats in front of the Chair.

The seals of the votes were broken by the President of the Senate, and by him handed to the Tellers, by whom they were read aloud, and recorded on the Journals of the Senate and of

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Electoral Votes for President.

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the House of Representatives by the Secretary of the Senate and Clerk of the House, respectively.

The votes of all the States having been read, with the exception of those of the State of Indiana—

Mr. TAYLOR, of New York, arose, and (addressing himself to the Speaker of the House) expressed his unfeigned regret at being compelled, by his sense of duty, to interrupt the proceeding of the two Houses. Mr. T. was then going on to state his reasons for objecting to the votes from Indiana being read and recorded; when

The SPEAKER interrupted him, and said, that the two Houses had met for the purpose—the single, specific purpose—of performing the constitutional duty which they were then discharging, and that while so acting, in joint meeting, they could consider no proposition nor perform any business not prescribed by the constitution.

Mr. VARNUM, of the Senate, (addressing the President of the Senate,) expressed his concurrence in the propriety of what had been stated by the Speaker, and, for the purpose of allowing the House of Representatives to deliberate on the question which had been suggested, he moved that the Senate withdraw to their Chamber.

The motion was seconded by Mr. DANA, of the Senate, and the question being put by the President to the members of the Senate, it was unanimously agreed to; and the Senate withdrew accordingly.

The SPEAKER having stated to the House that it now remained for them to consider the subject which had interrupted the forms of the constitution—

Mr. TAYLOR, of New York, said, that, although the question, as regarded the present election, was of no consequence, yet the time might arrive when it would be of the greatest importance in the election of President of the United States, and that it would be better to settle it now, when its decision would not affect the election. He then proceeded with his objections to receiving the votes from Indiana, contending that the joint resolution of December last, admitting that State into the Union, was not a matter of form merely, but a great constitutional prerogative, to be exercised by Congress; until which, a sister State could not be admitted into the Union upon an equal footing. If this was not so, where was the use of passing on the form of government adopted by the State, and sanctioning her admission, if she was admitted to an equal footing already? The Electors of President and Vice President having been elected in Indiana before she was declared to be admitted into the Union by Congress, he thought the votes of that State were no more entitled to be counted than if they had been received from Missouri, or any other Territory of the United States. Mr. T. acknowledged he did not know what would be the most proper course of proceeding in the business, but believed it would be best to adopt a joint reso-

lution, that the votes of Indiana, having been given previous to her admission into the Union, were illegal, and ought not to be received.

Mr. CADY, of New York, thought the question already settled, as another branch of the Legislature had admitted the Senators from the new State to all the privileges of other members of that body; that, after admitting the Representatives of the State to act in Congress on all the concerns of the nation, it was too late to question her right to participate in this; and that, from the moment the constitution of the State was assented to, she was entitled to all the privileges of an independent member of the Union.

Mr. TAYLOR, of New York, moved to amend the resolution, by substituting therefor a motion declaring the votes illegal, &c.

Mr. SHEFFREY said this question was settled already; for, if they had no right to give votes in the organization of the Executive, they had none in the National Legislature. We have decided, said Mr. S., that the organization of their State government is correct; we said to them in the act, if they performed certain duties, they were entitled to admission into the Union upon an equal footing with the other States; and the resolution to admit them was merely a declaration that they had so performed that duty. The proposition before the House, Mr. S. thought, was wrong, and that the State was certainly entitled to the votes.

Mr. PITKIN, of Connecticut, was of opinion that the State was entitled to all State rights, as soon as they had complied with the requisitions of the act authorizing the people of the Territory to form a State government. The case of Louisiana was different, because the act authorizing that territory to adopt a State government, required that their constitution should be submitted to Congress before their admission into the Union. With Indiana the case was different, as with her no such condition was made. The question before the House, Mr. P. said, was a novel one; resolutions had been passed by the two Houses to assemble for a certain purpose therein stated, and the most proper way would be to send a message to the Senate, that the House was ready to proceed in the business of counting the votes.

Mr. HENDRICKS, of Indiana, regretted the necessity which called him up. Indiana, he said, was, or was not a State, and the decision of that question would settle the one before the House. The case of Louisiana was not analogous; as the ordinance of 1787, concerning the Territories, and under which they were admitted into the Union, did not apply to any Territory west of the Mississippi. The only question for Congress to decide was, whether the State had complied with the requisition of the act of last session—whether the constitution adopted was Republican or not—nothing more. Suppose, indeed, that the State had adopted no constitution at all; had chosen to live under their laws alone, and had not thrown their

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State government into the form of a constitution, would the State have been thereby deprived of her rank in the Union? The ordinance of '87 had guaranteed a State government when they reached a certain extent of population, and Congress could require of them no more than had been done. Mr. H. argued, that the same authority which gave him a right to vote in this House, gave them also a right to vote for President and Vice President of the United States.

Mr. INGHAM, of Pennsylvania, moved that the resolution and amendment be both indefinitely postponed; which motion was agreed to almost unanimously; and then,

On motion of Mr. JACKSON, a message was sent to the Senate, informing them of the readiness of this House to proceed in counting the votes.

The Senate soon after again entered the Representatives Hall; when

The SPEAKER informed them, that the House of Representatives had not seen it necessary to come to any resolution, or to take any order on the subject which had produced the separation of the two Houses.

The reading of the votes was then concluded; and the Tellers handed a statement thereof to the President of the Senate, who announced to the joint meeting the following as the state of the votes:

[The detail and the aggregate of the vote the same as given in the Senate proceedings under the corresponding date.]

The PRESIDENT OF THE SENATE declared that JAMES MONROE, of the State of Virginia, was duly elected President of the United States for four years, to commence on the 4th day of March next; and that DANIEL D. TOMPKINS, of the State of New York, was duly elected Vice President of the United States, for the like term of four years, to commence on the said 4th day of March next.

The two Houses then separated, the Senate returned to their Chamber, and the House adjourned.

SATURDAY, February 15.

Military Academy.

The House then again resolved itself into a Committee of the Whole, on the unfinished business of yesterday—being the bill making appropriations for the Military Establishment for the year 1817.

The bill underwent some changes in committee, besides the necessary duty of filling the blanks—amongst them, the rejection of the section making an appropriation for the erection and completion of buildings at West Point, which motion was sustained on the ground, that the buildings had been commenced without authority from the Government; that it was necessary to authorize and control all the public expenditures; and that the appropriation of \$47,000 was now asked for, without showing how the large appropriation of last year had

been expended, &c. The motion to strike out the section was supported by Mr. CALHOUN and Mr. EDWARDS.

A good deal of discussion took place on the several appropriations moved to be inserted in the bill, for the Military Establishment, &c., and a very active disposition was manifested by the House to scrutinize into the expenditure of former appropriations, and into the necessity of those now called for; as well as to reduce the appropriations to distinct and well-defined heads, rather than to make general appropriations for several objects.

MONDAY, February 17.

Internal Duties.

The House then proceeded to consider the proposition, submitted by Mr. WILLIAMS a few days ago, that it is expedient to repeal the internal duties.

Mr. JOHNSON, of Virginia, addressed the Chair as follows:

Mr. Speaker, I am extremely sorry that the resolution on your table, and those by whom it is supported, should have experienced such merited treatment. How long, sir, has it been settled, that the rights and the interests of the American people shall be exclusively confided to the few members of this House who compose its standing committees: or, more peculiarly, to the still smaller number appointed to preside over these committees? Is it presumptuous or criminal, in any other member of this body, to submit a proposition, which he believes calculated to promote the interest, the prosperity, and the happiness of the nation? Are the laws imposing taxes to remain fixed and unalterable except by the will and pleasure of the chairman of the Committee of Ways and Means, or by the will and pleasure of the chairman of some other important standing committee? Shall no other member dare to propose the repeal of any revenue law, lest he be denounced as a miserable time-serving trimmer, and hunter after popularity? and by gentlemen who are perpetually availing the purity of their own motives; who represent themselves as the disinterested guardians of the interest and happiness of the people; who assure us, that they regard popularity as light as air, and still seem to consider it so delightful to float on the popular wave, that others would be prepared to sacrifice their principles, their integrity, and their honor, in order to catch the delightful breeze, and to float on the current.

I deem it not only the right, but the sacred and indispensable duty of every member of this House, after he shall be satisfied, from a careful, an accurate, and a dispassionate investigation of the state and situation of the funds and resources of the nation, that the proceeds of a particular tax, or system of taxes, are no longer necessary, either to a liberal and honorable compliance with existing contracts and engagements, or to an expenditure suited to the resources and the dig-

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nity of the nation, to use his exertions to relieve his constituents from the tax, or system of taxes.

Permit me to inquire whether either of these objects renders a continuance of the internal taxes and duties necessary? I presume that I shall be called on for my system of finance, and be told by some stickler for national honor—by some gentleman who, during this period of sunshine and prosperity, has suddenly become a warm advocate for national integrity and honor, and who, during the war, either forgot that the nation had any honor to preserve, or who, during that period of tempest, utterly disregarded the nation's honor—that it is very common for young politicians to propose the repeal of laws imposing taxes, without considering, or attempting to show, how the proceeds of the taxes can be dispensed with, or the adequate and necessary amount derived from other sources of revenue. Sir, I have not the vanity to submit a scheme of finance; nor is it necessary that I should submit such a system. I beg leave to refer to the annual report of the Secretary of the Treasury, and to the report of the Committee of Ways and Means, made on the 14th of January, 1817. From these documents, it is not only fairly inferable, but demonstrable, that, for no legitimate object of the Government, either in reference to its existing debts and contracts, or for any necessary expenditure, can it be required to continue this inconvenient, vexatious, and oppressive train of internal taxes.

The Secretary of the Treasury presents us, in his annual report, with a scheme of finance for the next four years. By his estimate, after meeting, with good faith, every public engagement, and extending to the public creditors a liberality which they neither merited nor had a right to expect, at the end of the next four years, an excess of revenue, beyond the necessary expenditure, of eight millions four hundred thousand dollars, will remain to the Government, (see annual report, page 13.) This estimate (let it be remembered—I hope it will be recollected by the House) is based on the following principles, viz: the Peace Establishment to remain as fixed by the law of the last session; the Army to be kept up at ten thousand men; the appropriation for the gradual increase of the Navy to continue; and an addition of three millions of dollars to be made to the Sinking Fund; two millions to be permanently added to the Sinking Fund; one million to be paid to the Commissioners of the Sinking Fund annually, out of any money in the Treasury not otherwise appropriated, if such payment can be made; leaving a balance, at the end of the year, of \$2,000,000 in the Treasury: which additional sum shall be applied to the redemption or purchase of the principal of the debt. It is known, to all who have attended to the subject, that every Secretary of the Treasury, in making an estimate for any given number of years, always estimates the expenditures of the Government at the largest sum authorized, or likely to be authorized, within that period; and estimates

the probable receipts during the same period at the smallest possible sum. This is rendered necessary, not only by prudence, but by a proper respect for justice, and a due regard to the peace and tranquillity of the nation. In support of this proposition, I have the opinion of the Committee of Ways and Means, expressed in their report of the 14th of January, 1817, and the fact resulting from the report of the late Secretary, Mr. Dallas: in his annual report for the year 1815, he estimated the revenue which would accrue, during the year 1816, from the customs, at \$17,000,000. The actual excess in the customs, beyond the estimate of 1815, was \$15,000,000; this is proved by the last annual report. Apply this reasoning to the present Secretary's estimate for the next four years. Take the estimate for the year 1818—the customs are, in that year, estimated at \$10,000,000; a reduction in that source of revenue of twenty millions of dollars, a sum very nearly double the amount which it is estimated will be received into the Treasury during that year. Is it reasonable, can it be believed, however intemperate the spirit of speculation may have been since the return of peace, that in two years the amount of revenue, derivable from customs, will be reduced from thirty-two to twelve millions of dollars? It is not to be anticipated. The Committee of Ways and Means do not anticipate it. Their report proves most conclusively that they do not. But the Committee of Ways and Means and the Secretary of the Treasury differ materially in their views of the policy of the Government. I am pleased to see this difference of opinion: it is an evidence of independence. Whilst the Secretary of the Treasury considers that it would be unsafe to vest the whole of the surplus revenue of the present year in the Commissioners of the Sinking Fund—or, as I presume, to go beyond three millions of dollars, for that is his proposition—the committee agree to raise the permanent fund from eight to ten millions of dollars; and they propose that, in addition to the permanent and regular appropriation, there should be paid, in the year 1817, to the Commissioners of the Sinking Fund, the sum of nine millions of dollars, together with four millions to be considered as an advance on account of the regular appropriation of the succeeding year: thus to raise at once, within the present year, the Sinking Fund to twenty-three millions of dollars. Without deciding at all upon the comparative merits of the two plans, I ask if justice or liberality can require the Government to go thus far in the anticipation of its payments: and to whom? To a set of men (with a few exceptions) who, during the late war, took every advantage of the distresses and necessities of the Government, and made loans at the most exorbitant interest.

I know, sir, it is very uninteresting to be engaged in the examination of lengthy documents. But I must again trespass on the time of the House by an examination of the annual report.

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From this report, to which we all look as furnishing the most correct view of the facts connected with the revenue, it necessarily results, that if we act on the plan proposed by the Secretary, that every demand on the Treasury can be met with good faith, without the aid of the internal duties, and that a surplus will still remain in the Treasury, at least equal to that which he proposes should at all times remain there. Assuming the facts contained in the annual report as data, I beg leave to present to the House a statement in figures of the revenue on the plan of the Secretary.

The receipts into the Treasury in the year 1817 are estimated at - - - - - \$30,650,000
To which add the balance in the Treasury on the first day of that year - 10,000,000

The expenditure for that year, including the proposed addition of \$3,000,000 to the Sinking Fund, estimated at - 25,000,000
\$15,650,000

Ways and Means for 1818.

Balance in the Treasury on the first day of that year - - - - - \$15,650,000
Receipts into the Treasury 16,250,000
Deduct internal duties - 2,500,000
18,750,000
29,400,000
The permanent expenditure, including the proposed addition to the Sinking Fund, estimated at - - - - - 23,500,000
\$5,900,000

Ways and Means for 1819.

Balance in the Treasury on the first day of that year - - - - - \$5,900,000
Receipts into the Treasury 22,750,000
Deduct internal duties - 2,500,000
Bonus, U.S. Bank, payable this year 500,000
3,000,000
19,750,000
25,650,000
Permanent expenditure, as above stated 23,500,000
\$2,150,000

According to this estimate, which is made in strict conformity to the plan submitted by the Secretary of the Treasury, on the first day of January, 1820, a surplus of revenue would remain of \$2,150,000. In this estimate the internal taxes are not deducted for the present year, because it is evident that the repeal of the laws imposing the internal taxes and duties must, in order to be just in its operations, be prospective. Nor has any deduction been made for the three years' interest on the stock held by the Government in the Bank of the United States, which, on \$7,000,000, at 5 per cent. per annum, would

be \$1,050,000; because the Government, in the estimate made by the Secretary, received no credit for interest on this stock.

Depart from the plan proposed by the Secretary of the Treasury, and adopt that recommended by the Committee of Ways and Means, in their report of the 14th January, already referred to, and the statement would stand thus:

The receipts into the Treasury, for 1817, including the balance on the first of the year - \$40,650,000
Deduct expenditures for the present year, including permanent addition of \$2,000,000 to the Sinking Fund, which they agree to - - - - - 24,000,000
\$16,650,000

Which would leave in the Treasury, on the 1st of January, 1818, \$16,650,000, which would place at the disposition of the Government, within the present year; leaving in the Treasury two millions of dollars, the sum of \$14,650,000, in addition to the two millions permanently added to the Sinking Fund, to be applied to the redemption or purchase of the public debt. If the repeal of the laws imposing internal duties take effect from the passage of the repealing act, it would reduce the sum to be thus used in the redemption or purchase of the public debt, within the present year, exclusive of the two millions permanently added to the Sinking Fund, perhaps to \$12,000,000. With the only difference that we should consider the advance made in this year on account of the next and succeeding year, so limited to \$4,000,000, as the Committee of Ways and Means have done, but to any portion of the sum beyond the regular appropriation of \$1,000,000, which the deficiency in the revenue for those years might require. I anticipate no such deficiency. I am convinced that the estimates for 1818 are estimated too low by several millions of dollars. It is evident that on this point the Committee of Ways and Means agree with me.

I have thus pursued the investigation, in reference to the several relations which the subject necessarily presents. I am persuaded that under no view which can be taken of the subject can a single doubt exist as to the propriety and expediency of repealing the laws imposing internal taxes and duties on the people of the United States. That neither justice to the public creditors, nor true policy on the part of the Government, can require a continuance of these internal taxes and duties.

Mr. WILLIAMS said it was at the request of a number of gentlemen who were friendly to the subject of the resolution now before the House, and in consequence of what was said by the gentleman from South Carolina, the Chairman of the Committee of Ways and Means, (Mr. LOWMYER,) that he did not call up the resolution on Saturday last. The chairman of the committee said we might go on with the appropriation bills, and if afterwards the House should determine to abolish the taxes and reduce the

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Army, the expenditure would be according to that reduction, and not according to the appropriation; for example, if we made appropriations to support an army of ten thousand men, and afterwards reduced the army to five thousand, the expenditure would be in proportion to the five, and not to the ten thousand.

Mr. W. said it had struck him as a very singular fact in our proceedings, that we should be first called upon to make the appropriations, to become, as it were, pledged to a certain amount, and then proceed to ascertain our means to raise the money; and to do that last which ought to have been done first. This, he said, was repugnant to all the maxims of common prudence in private life. No man, when about to build a house or improve a farm, would precipitately execute the object, and then count the cost; but he would, in the first place, examine all his sources of income; he would estimate the probable amount of his revenue, and then proceed to the objects on which that revenue was to be expended. It was for the purpose of changing the order of our proceedings in that particular, that he was anxious to see the tax bills exhibited in the House every year, and acted upon finally, before we had appropriated a single cent to defray even the civil list and contingent charges of Government. Then we could accommodate the appropriation to the money at our command; then, in the words of the old adage, we should cut the coat according to the cloth. But the gentleman from South Carolina had assured the House that if any reduction was made, the expenditure would not be according to the existing establishments, but rather in proportion to whatever reduction of the establishments the House may hereafter think proper to adopt. This assurance, coming from the honorable chairman, had removed his impressions as to the necessity of acting immediately on the resolution submitted by him on Friday. That gentleman, Mr. Speaker, (pointing to Mr. LOWMEYER,) at all times and on all occasions, has conducted himself in this House so as to secure not only the confidence and esteem, but I believe the admiration of every member on this floor; but while I pay this just tribute to the merits of that gentleman, I must be allowed to say, that I think he was incorrect when he stated, in reply to the remarks I made on Friday, that I had failed to show any sufficient reasons in support of the resolution then under consideration.

I offered the resolution from a sense of duty to this nation—from a regard to those principles which certainly at one time were deemed orthodox, and upon which the Republicans secured the confidence and support of the people of these United States. In reply to the call made by the gentleman, I stated that the taxes were continued last year on the ground that they were imperiously and absolutely necessary; that it was estimated by the Secretary of the Treasury that the whole revenue of 1816, arising from commerce, the direct tax and internal duties,

would be something more than twenty-five millions of dollars; that it was more than thirty-eight millions of dollars—making a difference of about thirteen millions between the estimate and the revenue which accrued. Seeing this, I felt justified in stating, that I could not put implicit confidence in the Treasury reports, and that I was unwilling to continue the tax on the people of this country, when it did not appear to be necessary.

Gentlemen now offer the same arguments in favor of continuing the taxes which they urged last year. But as the results of the present year prove, beyond all doubt, that their arguments on the former occasions were fallacious, I therefore contend that they are fallacious now, and deserve no more weight or influence with this House than should have been given to the falsified arguments of last year—falsified, I mean, by the actual results of the present year, and so made known to us by the Secretary of the Treasury in his annual report.

In connection with this view of the case, I mentioned, that it was a part of my plan to reduce the army; that a proposition to this effect was lying on your table, and subject to be called up at any time; that if the taxes were necessary to support an army of ten thousand men, they could not be necessary to support that army, reduced to the number of five thousand.

Having made these statements, and relying on them to support my proposition, I felt that I had sufficiently answered the call of the gentleman from South Carolina. But, sir, I was not bound to show (even thus far) the practicability of dispensing with the taxes; on the contrary, those who are for continuing them must show the impracticability of such dispensation. If any one calls upon me for a debt, my first inquiry is, whether the demand be just; if just, I pay it—if unjust, I refuse payment. In like manner when the people of this country are called upon for taxes, it is incumbent on Government, or on those who speak its language on this floor, to show that the taxes are necessary; if necessary, there is no nation on earth more willing to pay them than the people of the United States. If unnecessary, the people will refuse payment, and they ought to do so. Upon this ground, then, I say the burden of proof lies on the gentleman from South Carolina. Let him show (and no one is more able to do it than himself) that these taxes are necessary, and, my word for it, the people will cheerfully pay them.

The report, sir, of the late Secretary of the Treasury to the President, and the report of the present Secretary, have both gone abroad in the community. From these reports the people expect, nay, demand, a repeal of the taxes. But in addition to all this, the people have the solemn promise of Congress, expressed in the acts of 1813 and 1814, that these acts would continue one year after the war, and no longer. And can it be a fit way to govern this nation, to assure the people, in the solemn form of a legislative act, that taxes would cease to

exist one year after the war; and when it appears to be perfectly in your power to comply with the assurance, to refuse it? No, sir, the better way is to comply with your promise immediately, by repealing the taxes. Then we may not only expect, but challenge the confidence and support of our fellow-citizens. I did not expect, when I introduced the resolution, that it would excite unpleasant feelings in the mind of any one. But it appears to have had that effect upon the gentleman from South Carolina, (Mr. CALHOUN,) who generally sits near me. That gentleman seems to have a prescriptive right to know and expound the motives of others, when they differ from him in opinion. On many occasions he has intimated that members who differed from him were aiming at popularity! Sir, it was well said by a poet of ancient date, but immortal fame, who satirized the vices of man in the Augustan age, that we were blind as to our own faults, but eagle-eyed as to the fault of others; and were always most apt to condemn others for the very faults to which we ourselves were most liable. In no other way can I account for the propensity of the gentleman always to charge others with aiming at popularity, than by supposing that he measures the conduct of others by the standard which exists in his own breast. I here beg leave to inform the gentleman that if he does not mistake his own temper, he very much mistakes that of others, when he supposes that such reflections will drive them from the position they have taken.

But gentlemen contend that the taxes may be required some three, four, or half a dozen years hence; and profess an unwillingness to pull down that which it may possibly be necessary to build up hereafter. If, according to the estimates, the taxes may be necessary after the lapse of three, four, or six years, I would, for the purpose of combating that idea, reply that the estimates are too low; that they fall far short of the amount which will be received, and consequently that no deficiency can be apprehended at the end of that time. The estimates for the last year fell short of thirteen millions of the amount which accrued. Have we not then good reason to suppose that it will be the case again?—that the revenue hereafter to accrue will as much exceed the estimates, as the revenue of 1816 exceeded the estimates of that year? If the late Secretary of the Treasury could not tell with any sort of accuracy the revenue for 1816, I do not know how the present Secretary should determine with precision the revenue which will accrue in any subsequent year. I mean no disparagement to the memory of the late Secretary, when I say that he completely failed in his estimates of the revenue for 1816. For the present Secretary, no one in this House, I am persuaded, has a greater regard than myself; my acquaintance with him convinces me that he is an intelligent, independent, and honorable man. But, as the late Secretary fell short in his estimates, I con-

tend that the gentleman now at the head of the department must also be incorrect; and that I cannot determine with precision the revenue which will hereafter accrue.

Take for example the following:—The revenue receivable from the customs in the year 1818 (says the Secretary) will be only twelve millions of dollars! But the revenue arising from customs in the year 1815, amounted to \$36,648,598, and during the three first quarters of 1816, to \$30,000,000. Now, sir, by the rule of arithmetic, or series of deterioration; it, that the revenue arising from the same source in 1818, will be only twelve millions. Will not the country increase in wealth and population during that time? Will not the consumption and of course the demand be progressively augmented? I admit that our merchants may have overtraded themselves, and from the circumstance that the importation of goods will not be so great in 1818, as it was during the years 1815 and 1816. But that the deficiency will be so great as to reduce the revenue of 1818, to twelve millions, I can never admit. The gentleman from Maryland (Mr. SUMNER) has just said that the estimate of the Treasury for 1818 is too low. The experience of that gentleman, particularly in all subjects relating to commerce and finance, is such, as to justify the House in relying on his statements and opinions; and, notwithstanding his anxiety to counteract the taxes, he could not but say that the Secretary's estimate fell short at least by two millions of what would probably be received. Taking all these things into view, I should, as to my own individual opinion, be rather inclined to suppose that it would settle at some intermediate point between \$36,648,598, the revenue of 1815 and twelve millions, the estimate of the Secretary for 1818, that is, that between twenty and twenty-five millions will probably be the revenue for 1818.

Another reason inducing a wish to repeal the taxes at this time, is, that it would probably make the representative branch of the Government more acceptable in the eyes of the nation than it now is. The best writers on the British Constitution say, that the tendency of the Government is to a concentration of all power in the King. Some gentlemen of great research and profound thought in our country, have said that the tendency of this Government is to a concentration of all power in the Executive. It, indeed, requires but a partial acquaintance with the history of the present day, to be convinced that the Executive branch of the Government threatens to swallow up all the rest. Gentlemen have admitted, in debate, on the floor, the existence of this fact, with much apparent regret, and have exhorted the House to adopt such measures as would be likely to counteract Presidential influence. It is for this reason, then, that I would repeal the acts imposing internal duties. Let me ask, if the President had recommended the repeal, whether there would be such opposition to the measure

FEBRUARY, 1817.]

Internal Duties.

[H. OF R.]

as we have witnessed? No, sir. I feel justified in stating, that if the President had advised it, there would be scarcely a dissenting voice. But what would be the consequence of such a measure upon the character and reputation of this House? It would be resounded from one end of the continent to the other by the friends of the Executive, that he deserved all the praise for alleviating the burdens of the people; that his superior foresight, penetration, and love of country, had pointed out that wise and beneficent measure. In this state of the case, the President would have more of the praise and gratitude of the nation than he was entitled to receive, while Congress would be regarded rather as instruments in the hands of the Executive, than as the immediate agents of the people, laboring exclusively for the good of those whom they represented.

The last, but not the least reason with me for repealing the taxes is, that it may become necessary to reduce the Army. For my own part, I think the taxes may be taken off, and the Army permitted to remain at the present number of ten thousand. But I am conscious, that so long as we continue to raise money and vote supplies, there will be no disposition either to practise economy, or curtail any of the expensive establishments which now exist. It is the opinion of some gentlemen that, with the existing Military Establishment, it would be improper to dispense with the taxes. I wish it therefore (by repealing the taxes) to become necessary in the opinion of those gentlemen to reduce the Army. This part of the subject is as important as any which can or will come before Congress at this or any other session. It involves a principle of politics which appeared at one time to be settled, but which now appears again to be in doubt. It is my opinion that the Army ought to be reduced to six thousand; first, because standing armies in time of peace have ever been held dangerous to the liberties of a free people; and, secondly, because of the unnecessary expense to which we are subjected by supporting an army of ten thousand.

There is one other point of view in which this subject ought to be considered, and in which it becomes a matter of great policy, if not of imperious duty, to reduce the Army. It is, that a reduction now will conduce hereafter to the more effectual and substantial defence of the country. I well know that it is invidious to draw comparisons, and I trust not to be understood in what I shall say as meaning the least disparagement to any description of troops during the late war; they all did their duty. But as there are three degrees of comparison, I would ask whether the officers and soldiers enlisted a long time prior to the late war, or those enlisted immediately before the war and during its continuance, won the battles which have done so much honor to the country? Brown and Jackson, and the officers and soldiers who fought under their banners, were not of the old Military Establishment. It is a rule which, I

believe, will generally hold good throughout the late war, that the officers and soldiers of the new Establishment contributed most to the defence of their country. The same remark applies to the troops of other nations. When troops have been enlisted just so long as to be perfectly disciplined and no longer, they fight best; after they have become enervated by all the irregularities of a camp life, they are not so much to be depended on. Taking, then, these data, it becomes both a duty and a matter of wise policy, in regard to the future defence of our country, to curtail the Army. Suppose we remain at peace ten years, we have now an Army of ten regiments, costing the Government annually \$500,000 each. If we reduce the number to five, we shall in ten years save \$25,000,000; if we continue the additional five, we shall in that time expend \$25,000,000. These \$25,000,000 would keep in service fifty regiments for one year, or twenty-five regiments for two years. Then, by reducing the Army, we shall at the end of ten years be able to employ fifty regiments for one year, or twenty-five regiments for two years. Now, sir, I would ask whether, by reducing the Army, we shall not, at the end of ten years, be better able to defend the country with fifty regiments or with twenty-five, as the case may be, in the manner above stated, than if we do not reduce it, and at the end of ten years have only the ten old regiments, worn out and enfeebled by all the irregularities of a camp life, and in the experience of every country not so much to be relied on? I will not say that my view is exactly correct in all its details, but that the principle of it is true cannot be doubted. Were it, therefore, only for the purpose of saving \$25,000,000, and of being thereby better able at the end of ten years to defend the country, I should vote to reduce the Army. But when, in connection with this view of the case, we reflect on the danger of a standing Army unnecessarily large in time of peace, we should not, in my judgment, hesitate a moment as to the course which ought to be pursued.

Mr. HULBERT moved to lay the resolution on the table.

This motion was opposed by Messrs. CANNON, SHARPE, and HARDIN, and supported by Messrs. ROBERTSON, SHEFFER, SMITH, of Maryland, and LOWNDES, on various grounds and at some length.

THURSDAY, February 20.

Internal Duties.

The order of the day, on the proposition to repeal the internal taxes, having been announced, a motion was made to postpone the orders of the day, in order to take up the annual pension bill. This motion was supported by Messrs. CALHOUN, CHAPPELL, TAYLOR, FORSYTH, and SOUTHWARD, and opposed by Messrs. WILLIAMS, FLETCHER, WEBSTER, and CANNON, in an animated conversation, rather than debate, and was negatived, 67 votes to 65.

The House then proceeded to the order of the day, on the resolution to repeal the internal duties.

Mr. ALEXANDER was in favor of laying the resolution on the table; not that he was opposed to a repeal of the taxes—but he should conceive it mere pretension, at the present period of the session, to vote for the resolution.

Mr. LITTLE said he believed many of the taxes to act oppressively on a large portion of his constituents, and should therefore have been in favor of a repeal of them, had not the question of a reduction of the Army been connected with it. He believed his constituents, if the question was put to them individually, would not consent to the repeal of the taxes, if it was to involve the reduction of the Army.

The question on laying the resolution on the table, was then taken, and resulted—yeas 77, nays 78.

Mr. HULBERT spoke at some length in decided opposition to the repeal, on the broadest grounds.

Mr. FORSYTH, conceiving that it must now be obvious to every gentleman that no result could flow from this proposition, at the present session, moved, to try the sense of the House, to postpone the resolution to a day beyond the session.

After some conversation on this motion, the question was taken by yeas and nays, and decided in the negative—yeas 77, nays 83.

Mr. PICKENS moved to amend the resolution by adding to the end of it these words—“and the duty on salt,” so as to repeal that duty also.

This proposition gave rise to much debate, in which Mr. KILBOURN particularly spoke at considerable length, in opposition to the amendment, but in favor of the main proposition.

The question on the proposed amendment was decided by yeas and nays—for the amendment 91, against it 67.

So the amendment was agreed to.

Mr. SHEFFREY and Mr. RANDOLPH renewed the discussion of yesterday, made a number of remarks on subjects not perhaps immediately connected with the proposition before the House, but which had been introduced into the debate.

FRIDAY, February 21.

Mr. JACKSON offered the following resolution, which he stated grew out of the report made a few days ago by the committee on the part of this House on the subject:

Resolved, That a committee be appointed on the part of the House of Representatives of the United States, to notify the honorable JAMES MONROE of his election to the office of President of the United States, for the ensuing term of four years; and that the Speaker of this House cause a similar notice to be given to the honorable DANIEL D. TOMPKINS of his election to the office of Vice President of the United States, for the same term.

The resolution being read, was agreed to, and a committee appointed accordingly.

And Messrs. JACKSON and PITKIN were appointed a committee pursuant to the said resolution.

Internal Duties.

The question first under consideration was the motion made by Mr. MILLS yesterday, and pending when the House adjourned, to reduce the duty on brown sugar, coffee, bohea, and sou-chong teas, imported spirits, and one or two other articles, one-half.

Mr. THOMAS, of Tennessee, for the purpose of coming to a decision on the question, and foreseeing no termination to the present discussion, demanded the previous question on the resolution.

The question was then put “Shall the previous question be now taken?” and decided in the negative—yeas 86.

Mr. THOMAS then moved that the resolution be postponed to the 2d day of March, which was decided in the affirmative—yeas 82, nays 78, as follows:

YEAS.—Messrs. Adgate, Alexander, Archer, Atherton, Baker, Barbour, Bassett, Bateman, Bennett, Betts, Birdseye, Breckenridge, Brown, Caldwell, Calhoun, Carr of Massachusetts, Chappell, Clark of New York, Clarke of North Carolina, Condict, Comer, Creighton, Crocheron, Findlay, Forney, Forsyth, Gaston, Gold, Griffin, Hahn, Harrison, Heister, Hopkinson, Huger, Hulbert, Ingham, Irving of New York, Jackson, Johnson of Kentucky, Kent, Kerr of Virginia, Little, Lowndes, Lumpkin, McLean, Middleton, Miller, Mills, Milnor, Jeremiah Nelson, Thomas M. Nelson, Newton, Ormsby, Pickering, Pleasants, Rice, Robertson, Ross, Ruggles, Savage, Schenck, Smith of Pennsylvania, Southard, Stearns, Taggart, Tallmadge, Taul, Taylor of New York, Taylor of South Carolina, Telfair, Thomas, Townsend, Ward of Massachusetts, Webster, Wendover, Wilde, Wilkin, Willoughby, Thomas Wilson, Woodward, Yancey, and Yates.

NAYS.—Messrs. Adams, Baylies, Birdsall, Blount, Boss, Bradbury, Bryan, Burwell, Cady, Cannon, Champion, Cilley, Clayton, Clendennin, Comstock, Cook, Cooper, Crawford, Culpeper, Davenport, Deane, Dickens, Edwards, Fletcher, Goldsborough, Hale, Henderson, Hendricks, Herbert, Hooks, Hungerford, Jewett, Johnson of Virginia, Kilbourn, King, Langdon, Law, Lewis, Love, Lyle, Lyon, William Maclay, William P. Maclay, Marsh, Mason, McCoy, McKee, Moffitt, Moore, Mosely, Hugh Nelson, Noyes, Parris, Peter, Pickens, Piper, Powell, Reed, Roane, Sharpe, Smith of Virginia, Strong, Stuart, Sturges, Tyler, Vose, Wallace, Ward of New York, Ward of New Jersey, Wheaton, Whiteside, Wilcox, and Williams.

So the subject was laid on the table.

SATURDAY, MARCH 1.

Evening Session.

A motion was made to adjourn to to-morrow (Sunday) at 11 o'clock, and negatived—68 to 48, by yeas and nays.

MONDAY, March 8.

The following resolution was submitted by Mr. WILDE, which was read, and ordered to lie on the table:

MARCH, 1817.]

Veto of Internal Improvement Bill.

[H. OF R.]

Resolved, That a committee be appointed on the part of this House, to join such committee as may be appointed on the part of the Senate, for the purpose of making arrangements relative to the time and manner of administering the oath of office to the President elect of the United States.

Thanks to the Speaker.

On the motion of Mr. MILLS, it was *Resolved, unanimously*, That the thanks of this House be presented to the Hon. HENRY CLAY for the ability and impartiality with which he has presided over its deliberations, and the correctness with which he has performed the arduous and important duties of the chair.

Veto of Internal Improvement Bill.

A Message was received from the President of the United States, by Mr. Todd, his Secretary, who, by command of the President, returned to the House the bill passed by the two Houses, entitled "An act to set apart and pledge certain funds for internal improvements," and presented to the President for his approbation and signature, this day, to which bill the President having made objections, the same were also delivered in by the said Secretary, who then withdrew.

The said objections were read, and are as follow:

*To the House of Representatives
of the United States:*

Having considered the bill this day presented to me, entitled "An act to set apart and pledge certain funds for internal improvements," and which sets apart and pledges funds "for constructing roads and canals, and improving the navigation of water-courses in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions for the common defence;" I am constrained, by the insuperable difficulty I feel in reconciling the bill with the Constitution of the United States, to return it with that objection, to the House of Representatives, in which it originated.

The legislative powers vested in Congress are specified and enumerated in the 8th section of the first article of the constitution; and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers; or that it falls, by any just interpretation, within the power to make laws necessary and proper for carrying into execution those or other powers vested by the constitution in the Government of the United States.

"The power to regulate commerce among the several States," cannot include a power to construct roads and canals, and to improve the navigation of water-courses, in order to facilitate, promote, and secure such a commerce, without a latitude of construction departing from the ordinary import of the terms, strengthened by the known inconveniences which doubtless led to the grant of this remedial power to Congress.

To refer the power in question to the clause "to provide for the common defence and general welfare," would be contrary to the established and consistent rules of interpretation; as rendering the special and

careful enumeration of powers, which follow the clause, nugatory and improper. Such a view of the constitution would have the effect of giving to Congress a general power of legislation, instead of the defined and limited one hitherto understood to belong to them; the terms, "common defence and general welfare," embracing every object and act within the purview of a legislative trust. It would have the effect of subjecting both the constitution and laws of the several States, in all cases not specifically exempted, to be superseded by laws of Congress; it being expressly declared "that the Constitution of the United States, and laws made in pursuance thereof, shall be the supreme law of the land, and the judges of every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding." Such a view of the constitution, finally, would have the effect of excluding the judicial authority of the United States from its participation in guarding the boundary between the legislative powers of the General and the State Governments; inasmuch as questions relating to the general welfare being questions of policy and expediency, are unsusceptible of judicial cognizance and decision.

A restriction of the power "to provide for the common defence and general welfare," to cases which are to be provided for by the expenditure of money, would still leave within the legislative power of Congress all the great and most important measures of Government; money being the ordinary and necessary means of carrying them into execution.

If a general power to construct roads and canals, and to improve the navigation of water-courses, with the train of powers incident thereto, be not possessed by Congress, the assent of the States in the mode provided in the bill cannot confer the power. The only cases in which the consent and cession of particular States can extend the power of Congress, are those specified and provided for in the constitution.

I am not unaware of the great importance of roads and canals, and the improved navigation of water-courses; and that a power in the National Legislature to provide for them might be exercised with signal advantage to the general prosperity. But seeing that such a power is not expressly given by the constitution; and believing that it cannot be deduced from any part of it without an inadmissible latitude of construction, and a reliance on insufficient precedents; believing also that the permanent success of the constitution depends on a definite partition of powers between the General and State Government, and that no adequate landmarks would be left by the constructive extension of the powers of Congress, as proposed in the bill, I have no option but to withhold my signature from it; and to cherishing the hope that its beneficial objects may be attained by a resort for the necessary powers, to the same wisdom and virtue in the nation which established the constitution in its actual form, and providently marked out, in the instrument itself, a safe and practicable mode of improving it, as experience might suggest.

JAMES MADISON.

MARCH 3, 1817.

The question was then taken in the mode prescribed in the Constitution of the United States, "that the House, on reconsideration, do agree to pass the said bill," the President's objections to the same to the contrary notwithstanding.

And determined in the negative—yeas 60, nays 56, as follows:

YEAS.—Messrs. Clay, (Speaker,) Alexander, Archer, Birdseye, Breckenridge, Brooks, Cady, Calhoun, Chappell, Clendennin, Comstock, Conner, Creighton, Culpeper, Forsyth, Gaston, Griffin, Hahn, Hall, Harrison, Henderson, Herbert, Hopkinson, Huger, Hulbert, Ingham, Irving of New York, Johnson of Kentucky, Kent, Kerr of Virginia, Kilbourn, Little, Lovett, Lyle, Middleton, Milnor, Jeremiah Nelson, Ormsby, Peter, Pickering, Reynolds, Ross, Savage, Schenck, Sharpe, Sheffey, Tate, Taylor of New York, Telfair, Wallace, Webster, Wendover, Whiteside, Wilde, Wilkin, Thos. Wilson, Wm. Wilson, Yancey, and Yates.

NAYS.—Messrs. Adams, Atherton, Baer, Baker, Barbour, Bassett, Blount, Boss, Bradbury, Carr of Massachusetts, Clarke of North Carolina, Clayton, Davenport, Deaha, Dickens, Edwards, Fletcher, Forney, Goldsborough, Goodwyn, Hale, Hawes, Hungerford, Irwin of Pennsylvania, Jewett, Johnson of Virginia, King, Law, Lowndes, Lyon, William Macclay, Marsh, Mason, McCoy, Mills, Hugh Nelson, Noyes, Parris, Pitkin, Pleasants, Reed, Root, Rugles, Smith of Maryland, Southard, Stearns, Strong, Sturges, Tallmadge, Taul, Vose, Ward of Massachusetts, Ward of New York, Ward of New Jersey, Wilcox, and Williams.

And so the said bill was rejected.

[It will be observed that the Speaker, on this occasion, differing from every other question before the House, claimed and exercised the right to vote. Two-thirds being required to decide the question affirmatively, the bill did not pass.]

[The committee were accordingly discharged.]

Closing Business.

On motion of Mr. JACKSON, a committee was appointed on the part of this House, jointly with such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and notify him of the proposed recess of Congress. And Mr. JACKSON and Mr. HOPKINSON were appointed of the committee on the part of this House.

Mr. JACKSON, from the joint committee aforesaid, reported that the committee had waited on the President of the United States, and performed the duty delegated by the resolution, and were informed by the President that he had no further communication to make to Congress.

Ordered, That a message be sent to the Senate to inform them that this House, having completed the business before them, are now ready to adjourn, and that the Clerk go with the said message.

The Clerk accordingly went with the said message; and, having returned, a message was received from the Senate, informing the House

that the Senate, having completed the legislative business before them, are now ready to adjourn.

An adjournment being moved and seconded—

Mr. Speaker CLAY arose and addressed the House as follows:

GENTLEMEN: Before I perform the last duty of the presiding officer of the House, I will avail myself of the occasion to make my respectful acknowledgments for the flattering expression of favorable opinion which has been recently made, and which was rendered more interesting by the quarter from which it proceeded. Next to the approbation of one's own conscience, and one's country, that of the immediate representatives of the people must ever be most acceptable. But I feel that in the instance of that just bestowed on me, I am more indebted to the kindness than to the justice of the House. For I am quite sensible, that in the course of my administration of the duties of the Chair, called upon, as I frequently was, promptly to decide complicated and embarrassing questions, as they suddenly arose, I must have committed many errors. And if I have been able, in any degree, to satisfy the just expectations of the House, it is owing to that liberal support which has been, on all sides, generously accorded me.

In legislation there are three periods of extraordinary difficulty, and requiring great fortitude. The first is that which immediately precedes a war, and in which preparation is made for the event. The second, that which accompanies the war: and the third, that which immediately follows the war. During the two first, however, there were animating circumstances always existing, which invigorated the legislative function. During the last, the stimulus is gone, and being replaced by relaxation, the legislator needs more fortitude. He has to survey the whole fabric of the State; to accommodate it to the new circumstances in which it is placed; to provide a revenue for redeeming the debt of the war; to retrench, and, by the reduction of the establishments, to dismiss from the service of the country many of those who have nobly contributed to sustain its glory.

It has been your lot, gentlemen, to be cast in the last of the three periods mentioned. And I take great pleasure, regardless of the motives which may be ascribed to me, in testifying to the patience, the diligence, and the zeal which you have manifested in the public service. I am greatly deceived if, as the result of your labors, at no distant day, there will not be acknowledged to have been laid by you, the deepest foundations of the national prosperity. That you may long continue to live to witness and to participate in that prosperity; and that you may experience, on your return to your respective homes, every blessing of which our nature is susceptible, is the ardent wish of one, who, wherever he may be, will never cease to cherish of all of you, the most agreeable and affectionate recollections.

It remains for me only to announce, that this House stands adjourned *sine die*.

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